PAUL M. HIGINBOTHOM

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THE RISE

OF

THE SWISS REPUBLIC

A HISTORY

BY

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THIS VOLUME

IS DEDICATED

TO

MY DEAR WIFE

THE CONSTANT COMPANION OF MY TRAVELS AND RESEARCHES

AND MY TRUEST CRITIC AND ADVISER.

INTRODUCTION.

THE study of federalism as a system of government has, in recent times, become a favorite subject for constitutional writers. At present the United States and the Dominion of Canada on this continent, the newly constituted Australian Commonwealth at the Antipodes, and in Europe the German Empire, the Austro-Hungarian Empire, and the Swiss Confederation are all examples of the application of the federal principle in its various phases. What makes all researches into this branch of political learning particularly difficult, and, perhaps, for that reason, also exceptionally fascinating, is the fact that federated states seem forever oscillating between the two extremes of complete centralization and decentralization. The two forces, centripetal and centrifugal, seem to be always pulling against each other, and producing a new resultant which varies according to their proportionate intensity. One is almost tempted to say that there must be an ideal state somewhere between these two extremes, some point of perfect balance, from which no nation can ever depart very far, without either falling apart into anarchy or being consolidated into despotism. Whatever, therefore, can throw a light upon these obscure forces is certainly entitled to our deepest interest.

But not all representatives of federalism possess an equal value for us, in our search after improvements in the art of self-government. The study of the constitutions of the German and Austro-Hungarian Empires can only be of secondary importance to us Americans, because these states are founded upon monarchical principles, quite foreign to our body politic. To a limited extent, the same objection may be made to the Canadian and Australian constitutions, since the connection of those countries with the monarchical mother-country has not been constitutionally severed. But there is

another federated state in existence, until lately almost ignored by writers on political subjects, whose example can, in reality, be of the utmost service to us. The Swiss Confederation is as near as possible a counterpart in miniature of the United States. Prof. Albert Bushnell Hart, in his "Introduction to the Study of Federal Government", declares with justice that, "Of all the confederations of history, Switzerland bears the closest resemblance in institutions to the United States."[1]

In recent years, by what seems like an extraordinary revival of interest, several books have appeared in English devoted to the elucidation of Swiss political institutions, but the history of the country has not always received scientific treatment. It is, in fact, the misfortune of Swiss history, that although very little is popularly known about it, that little is almost invariably incorrect. The subject has so long lain neglected in the literary garret that cobwebs have gathered over it and obscured the truth.

There is a widespread but vague idea that a regularly organized republic has existed in the Alps from time immemorial, under the name of Helvetia. Nothing could be more misleading — for, as a matter of fact, the territory now known as Switzerland had no separate political existence prior to the end of the thirteenth century, and its condition resembled that of Central Europe in general. The Swiss Confederation made its entry upon the historic stage in 1291, when three small and obscure peasant communities, Uri, Schwiz, and Unterwalden, concluded a perpetual pact in order to defend themselves against the encroachments of the nobility in general, and of the family of Habsburg in particular. As for the Celtic tribe of the Helvetii, who inhabited a part of the country when it is first mentioned by Roman writers, they had no more to do with founding the Swiss Confederation, than had the Indians in America to do with framing the Constitution of the United States.

Around the three communities of Uri, Schwiz, and Unterwalden, as a nucleus, the Swiss Confederation grew, in course of time, by the adherence of other sovereign communities, until it reached its present proportion of twenty-two Cantons in 1815. The very name of Switzerland was unknown before the fifteenth century, when, for the first time, the eight states which then composed the Confederation began to be called collectively "*Die Schweiz*", after the com-

[1] Chap. IV., p. 62.

munity of Schwiz, which was the most pronounced in its opposition to the pretensions of the German nobility. It was not until 1648, by the Peace of Westphalia, that the complete independence of the Swiss from the German Empire was established beyond question.

There is another fact which must be borne in mind, namely, that Swiss self-government, in the opinion of the writer the most perfect yet devised by any free people, is Teutonic in character, like that of England and the United States. Although Switzerland is now a polyglot state, and her constitution expressly stipulates that German, French and Italian shall all alike be considered national languages, the majority of the inhabitants are German-speaking, and it was from them that the original impulse toward independence made itself felt. The other Romance-speaking Cantons were acquired by conquest, and were not admitted on a footing of equality until the beginning of the present century.

It is, indeed, surprising to notice how that country, with whose name we are accustomed to associate some of our noblest conceptions of liberty, has run up the gamut of self-government, striking all the intervening notes between complete subjugation and unquestioned independence. The history of the Swiss Confederation presents for our inspection six centuries of growth from the very rudiments of liberty to its full flower in the present day. It furnishes a veritable catalogue of priceless precedents for our edification and guidance, and the indifference with which it has heretofore been viewed by English-speaking scholars is, therefore, inexcusable.

Of course, the prevailing neglect of this promising historical field is susceptible of certain explanations, which do not, however, condone the fault of the neglect itself.

Switzerland is visited for the sake of its scenery; for recreation, not for study. The Swiss people themselves do not, at first sight, invite interest, nor does the national character stimulate the imagination. Public affairs are managed with so much moderation and sobriety that the attention of the world at large is not attracted to them. The country is too small, and apparently insignificant, amid the great powers of Europe, to arouse the enthusiasm of the superficial observer.

And yet, how disproportionately large has been the share of Switzerland in the work of overthrowing the feudal system, of

hastening the triumph of the common people over the privileged few, and turning great world-tendencies definitely toward democracy! How the victories of the peasantry at Morgarten and Sempach, where the flower of Austrian chivalry was utterly defeated, lighted up the gloom which brooded over the serfs of the middle ages! How Zwingli and Calvin strove to emancipate the human conscience from ecclesiastical tradition, and how such men as Lavater, Rousseau, and Pestalozzi, each after his own fashion, laid the foundation for that great study of humanity which has distinguished our own century!

The issue constantly at stake, throughout the history of the Swiss Confederation, has been one of the noblest and the most persistent with which human nature has had to grapple — the question of self-government. In these days Switzerland has become the standard-bearer in all reforms which make for direct democracy and pure politics. Her historical development ought, therefore, to be fully known and duly appreciated by American scholars.

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BOOK I.

SWITZERLAND BEFORE THE FOUNDING OF THE CONFEDERATION.

THE RISE OF THE SWISS REPUBLIC

CHAPTER I.

THE LAKE DWELLERS.

THE earliest traces of man's existence which have been found in the territory covered by modern Switzerland, are represented by some fragments of basket-work, imbedded in a lignite formation at Wetzikon near Zürich. Geologists recognize two glacial eras as having passed over the country, and this lignite is the vegetation, now carbonized, which sprang up after the retreat of the first ice and before the advance of the second, so that the presence of man in these regions has been established during a period, the antiquity of which can only be estimated by geological formulas.

Man's next appearance dates from the time when the second glacial era was on the wane, and the outskirts of the country were already free from ice. Traces of a primitive people, known to antiquarians as Troglodytes, have been discovered in a few isolated caves, at the foot of the Salève near Geneva, at Villeneuve, and notably at Thayngen near Schaffhausen. At this last place a cave has been exhaustively examined, and has amply rewarded the pains expended upon it, for besides a mass of flint and bone implements, the searchers came upon a bone fragment upon which the image of a reindeer was engraved. The drawing is so good, that there was some excuse for the incredulity with which its appearance was popularly received. Amongst the contemporary fauna may be mentioned the mam-

moth, the woolly haired rhinoceros, two species of wild bull, the elk, the cave bear, and the hyæna, besides a number of animals still existing in Switzerland. These Troglodytes knew the use of fire, but not that of metals. As for their origin and subsequent fate, both are absolutely unknown; there is little doubt, however, that they belonged to the same race which has left similar traces over the whole of Western Europe.

After an interval of many centuries, during which the climate changed to something like its present condition, and the animals enumerated above, vanished or emigrated, the so-called Lake Dwellers made their appearance. Probably the transition from Cave Dwellers to Lake Dwellers came about through a complete change of race, for even the earliest lake dwellings bear evidence that their inhabitants were many degrees in advance of their predecessors in everything that constitutes civilization.

The discovery of these lake dwellings in Switzerland ranks amongst the most notable achievements of modern antiquarian science. From time to time during the first part of this century, and even earlier, ancient wooden stakes and stone implements of finished workmanship had been noticed along the shores of the lakes of Zürich and Constance. They were objects of wonder for awhile, but were soon forgotten. Finally during the severe winter of 1853–54 a peculiar circumstance forced the whole subject upon public attention. In that year the lakes and rivers of Switzerland were unusually low, and the receding waters left great stretches of bottom-land exposed to view. The inhabitants of Obermeilen, a village on the lake of Zürich, profiting by this rare opportunity, set to work reclaiming as much as possible of the uncovered ground for gardens and quays. In the course of their labors they came upon piles driven deep into the soil, and presenting every appearance of great age, while scattered about in the immediate vicinity lay stags' horns and stone utensils. Fortunately the village school-master, Herr Aeppli was sufficiently impressed by these finds to notify the Antiquarian Association

of Zürich, and so it was that Dr. Ferdinand Keller, the President of that society, repaired to Obermeilen, and having examined the remains, announced the discovery of prehistoric lake dwellings.

As compared with some of the great tourist show-places of Switzerland, the lake of Zürich cannot perhaps claim to possess exceptional beauty of scenery. It has neither the romantic loveliness of the lake of Luzern, enhanced as that is by historical and legendary traditions, nor the wealth of color and the majestic sweep of Lake Leman, but the discovery of the first lake dwellings upon its shores has secured it an imperishable name in the annals of science. By searching the shores of other lakes in Switzerland, similar remains were found in great quantities, grouped in stations or villages, the number of which has now grown to more than two hundred. Usually, however, the most important discoveries were made by accident, like that of Obermeilen, when dredging operations were in progress or piers were being built in the water. Some years ago the Swiss government inaugurated a great engineering enterprise, known as the "*Correction des Eaux du Jura*," which was designed to drain a district of marshland lying between the lakes of Neuchatel, Bienne, and Morat, and marked upon the map as the "*Grosse Moos*." This undertaking is now practically complete, and the level of the three lakes has been lowered some six or eight feet, unexpectedly revealing the existence of numerous lake dwelling villages along the shores, which had heretofore been hidden under water. In the same way interesting finds were made at Zürich when the beautiful new promenades were being built along the lake front.

These discoveries in Switzerland stimulated antiquarian researches in other parts of Europe, so that traces of lake dwellings have been found throughout an area extending from the British Isles to the great rivers of the Black Sea, and from Scandinavia to Northern Italy. Besides the typical lake dwellings such as are found in Switzerland, there are other vari-

eties: The *crannogs* of Ireland and Scotland, the *terp-mounds* of Holland, and the *palafittes* and *terramare* of Italy, all bearing witness to the extent to which this curious manner of building obtained at one period of man's development.

The only references to these lake dwellings which have come down to us in literature are contained in two passing notices of Herodotus and Hippocrates. Says Herodotus: "And they likewise who inhabited Lake Prasias [near the mouth of the Struma in Macedonia] were not conquered by Megabazus. He sought indeed to subdue the dwellers upon the lake but could not effect his purpose. Their manner of living is the following: Platforms supported upon tall piles stand in the middle of the lake, which are approached from the land by a single narrow bridge. . . . Each has his own hut, wherein he dwells, upon one of the platforms, and each has also a trapdoor giving access to the lake beneath; and their wont is to tie their baby children by the foot with a string to save them from rolling into the water."[1]

Hippocrates' account is confined to a few lines and refers to settlements along the river Phasis, to the east of the Black Sea.[2]

Fortunately, however, for the cause of science the deposits, which had gathered under the dwellings in the course of centuries, have been preserved for the inspection of antiquarians by the mud in which they were imbedded. It has, therefore, been possible to examine these layers or *Kulturschichten*, as the Germans so aptly call them, and to reconstruct a certain amount of the history of these ancient Lake Dwellers.

The writer does not intend to present a complete and finished picture of this early civilization, especially as the whole subject has recently been exhaustively treated by an archeologist of note, Mr. Robert Munro, in "The Lake Dwellings of Europe." But for the sake of those who do not care to enter so deeply into the matter, let me sum up the principal discov-

[1] History. Book V, 16.

[2] De Aeribus XXXVII.

eries which have been made, and the theories to which they have given rise.

Taking all the settlements together, they have demonstrated in a very striking manner the correctness of the classification of prehistoric remains into the great periods of stone, bronze and iron, which antiquarians had made before the discovery of lake dwellings. There are stations where only stone and bone implements have been found, and no vestige of metal appears; others in which copper and bronze utensils begin to show themselves in small quantities; others again where bronze predominates and faint traces of iron are to be seen, and finally there is one settlement at least, La Tène, in which iron reigns supreme. Some stations even passed through several successive stages, but in general those situated in the eastern part of Switzerland did not long survive the first appearance of metal, while those of the western part continued through the bronze and into the dawn of the iron ages.

Amongst the chief articles found in the deposits under the dwellings, the following will give an idea of the truly astonishing advance in civilization which this mysterious race had made.

There are hearth-stones, corn-crushers, spindle-whorls, sickles, scissors, needles, harpoons, fish-hooks, crucibles, axes of various descriptions, flint-saws, arrow-heads, lance-heads, clubs, daggers and swords; parts of a chariot, of horse-bits and bridles, a wooden yoke, a canoe, basket-work and a bow of yew-wood; for personal adornment there are bracelets, arm-bands, rings, hair-pins, beads of amber, glass and gold, combs of wood and bronze, and girdles; specimens of woven cloth, of fish-nets, mats, thread, ropes, even of embroideries and checked muslin. As for examples of pottery, they are of all kinds and of all degrees of fineness, but it is noteworthy that while the Troglodytes decorated their implements with images of real objects, as for instance of a reindeer, the Lake Dwellers drew only imaginary designs, such as geometrical patterns and arabesques. A few rude plastic images of animals have been discovered,

but no drawings of them. Owing to the fact that most of the lake dwellings were burned down, a number of perishable articles were carbonized and thus preserved for inspection much in the same way as similar remains excavated at Pompeii. In this manner antiquarians have been able to identify samples of wheat, oats, millet, flax, poppy, etc., as well as apples, hazelnuts, plums, strawberries, raspberries, peas, lentils and other vegetable substances; they have also found the bones of horses, cattle, sheep, goats, pigs, dogs and cats, and of bears, deer, beaver, swans, geese and various species of fish.

For a long time there was a great deal of speculation about the appearance of the lake dwellings, until the fortunate discovery of a hut at Schüssenried in Württemberg in a very fair state of preservation, threw light upon the subject. It is a rectangular wooden structure, measuring some ten by seven meters, divided into two rooms, one of which only had a door giving access to the exterior. In the first and smaller room were discovered the remains of a stone hearth; the flooring was made of round logs laid side by side, while the walls were constructed of split logs. During the stone age the platforms upon which these huts rested were considerably smaller and nearer the land than in the succeeding ages. Narrow bridges connected the platforms with the land, and ladders led down to the water's surface.

Of human remains there is not a very large collection, but the few skulls and skeletons found in the cemeteries or in the deposits, reveal that the race of the Lake Dwellers was probably smaller than our own, although well formed, and in no sense inferior to us in anatomical structure.

Many questions naturally arise in regard to the origin and fate of this curious people, which cannot be answered with absolute certainty. There is still room for endless speculation. Dr. Ferdinand Keller was of the opinion that the remnants he examined at Obermeilen were of Celtic origin, but his theory has not been confirmed by subsequent discoveries. It is now generally conceded that the earliest Lake Dwellers at all events,

belonged to a more primitive race. Mr. Robert Munro states it as his conclusion that the original founders of the settlements were immigrants who penetrated into Europe from the East during the neolithic period. He thinks that they spread from the regions surrounding the Black Sea and the shores of the Mediterranean, up the Danube and its tributaries into Styria, into the valley of the Po, and to the Swiss lakes, and that the Scotch and Irish crannogs with analogous remains in other countries are cases of the system cropping up in out-of-the-way corners after the great lake dwelling centres had already collapsed. Although it is impossible to fix upon precise dates for this lake dwelling era, the approximate age of the earliest settlements has been computed as perhaps 2000 or 3000 B. C. and the latest as 800 or 1000 B. C.

No very definite explanation has yet been given of the reason why these people invariably built their homes over the water. Some writers ascribe this practice to a desire for protection; others to the primeval forests which covered the available land, or to the facilities for communication and for fishing. Personally I am inclined to think that it was a racial custom which they brought with them from their homes in the swamps of Asia, and which had become a fixed tradition amongst them.

As for the subsequent history of the Lake Dwellers, it is shrouded in complete mystery, for when we next hear of the territory occupied by modern Switzerland, it is described as inhabited by Celts, living in towns and villages on the land. This strange race, therefore, returns to the darkness from which the discoveries of Obermeilen momentarily caused it to emerge.

CHAPTER II.

HELVETIA AND THE ROMAN OCCUPATION.

A GREAT historical gap exists between the time when the lake dwellings ceased to be inhabited and the period in which the country is first mentioned in literature. The earliest written information is derived from Latin authors who described the country as it appeared in the century which preceded the birth of Christ, and who had either themselves come into contact with the land and people, or had noted down what they had heard from others. They represent the country as inhabited almost exclusively by Celts, grouped into three nations or Confederations, and six independent tribes, overlapping on all sides into territory not now comprised by Switzerland, so that the picture they offer is not that of a political unit by any means, but rather a conglomeration of numerous hostile states.

Of the six independent tribes, the Allobroges occupied Savoy and the region around Geneva; the Sequani dwelt in the Jura and a part of the Franche Comté; the Raurici in Southern Elsass and the region around Basel; the Viberi and Lepontii, of Ligurian origin, in the Upper Valais and Ticino; and the Vindelici upon the shores of Lake Constance and in the adjacent districts. As these tribes do not play a significant part in history, they may with safety be set aside. Of the three nations, that of the Raeti, containing Etruscan elements, was in possession of the modern Canton of Grisons and the neighboring Tyrol; the Gaesatae consisted of three small but warlike tribes in the lower Valais; and the Helvetii,

the most powerful of all, held all the rest of the territory between the lakes of Geneva and Constance on the one hand, and the Alps and the Jura on the other.

These Helvetii had already made an appearance in history before they became inhabitants of Swiss territory, while the main body of the nation still dwelt in the regions between the Main and the Rhine. Two of their clans, the Tigorini and Tougenes, had joined the Cimbri and Teutones, when the latter swept into Gaul in the second century before Christ on their way to Italy, and under an enthusiastic chief, Divico, had inflicted a disastrous blow upon a Roman army at Agen on the Garonne, forcing the surviving enemy to submit to the shame of passing under the yoke.

It was probably soon after this invasion of the Cimbri and Teutones that the Helvetii crossed the Rhine into what was destined to become Swiss territory, being no longer able to withstand the pressure of the German tribes at their back. But they had not been long in their new habitations when a combination of unfavorable circumstances induced them to hazard another expedition into Gaul. The story of this unsuccessful migration is told by Julius Cæsar in his Commentaries on the Gallic War[1]; it is much to be regretted that no information whatever has come down to us from the Helvetian side, as Cæsar's account, however great his desire to be impartial, could not fail to be incomplete, if not actually prejudiced. Let me simply recapitulate the principal incidents.

Being continually at war with the Germans, and unable to extend their raids into neighboring countries, as was their wont, on account of the great natural barriers which enclosed them, the Helvetii were easily persuaded by an ambitious nobleman in their midst, a certain Orgetorix, to emigrate into fertile Gaul. Although their leader died before they could complete their preparations, they were not deterred from their purpose, and after entering into friendly compacts with neighboring tribes, providing themselves with food for the journey,

[1]Book I, Chap. 1–29.

and burning their twelve towns and four hundred villages behind them, they gave the rendezvous to all the clansmen at Geneva for the 28th of March, B. C. 58. But here an unexpected obstacle presented itself; the way was barred by Julius Cæsar, just entering upon his great career of conquest in Gaul. His motive for thus arresting the progress of the Helvetii was a well-founded apprehension lest they might extend their depredations into the Roman Province, and the much-dreaded Germans, moving into the land thus left vacant, might reach the frontier of the Roman possessions. After deluding them by repeated negotiations, until he had intrenched himself and collected reinforcements, Cæsar finally refused point blank to let them pass at all. Outwitted by these tactics the Helvetii made some fruitless efforts to force a passage across the Rhone, and then turned aside to reach Gaul by the modern Pas de l'Ecluse. In the meantime Cæsar hurried back to Italy, collected five legions, and returned in time to catch the slow moving train of the Helvetii, just as they were crossing the river Soâne. Here he managed to inflict a severe blow upon the clan of the Tigorini, commanded by their old chieftain Divico, and following closely, at length engaged the whole force in a decisive battle at Bibracte, the modern Autun in Burgundy. His well disciplined legions and superior generalship triumphed over the bravery of the desperate Helvetii, but only after a struggle which lasted from about one o'clock till sunset. As a last resort the Helvetii had built a fort out of their ox-carts, within which they sold their lives as dearly as possible, performing prodigies of valor to the last. According to writings which were found in the camp of the conquered, the whole number of men, women, and children of the Helvetii and their allies was 368,000 souls at the beginning of the ill-fated expedition, but Cæsar counted only 110,000, which he sent back that they might rebuild their former homes before the German tribes should advance into the vacant territory.

This is the naked outline of a movement which is not devoid of a certain epic grandeur and gloom, and is eminently suited

for poetic treatment at the hands of some one who could appreciate the barbaric pathos of the theme.

From henceforth the Helvetii were bound to Rome by an alliance, the terms of which have unfortunately not been handed down to us. They were not mere subjects of the Romans, for they continued to enjoy a certain amount of self-government, nor were they on the other hand merely allies, since their country was held by the armed forces of their conquerors. Mommsen is of the opinion that the Helvetii were in possession of the highest degree of liberty which was consistent with their position as a conquered people. Their duties seem to have consisted principally in paying a share of the yearly tribute which was levied from Gaul, in watching the German frontier, and submitting to the small duties imposed upon their commerce; for the rest they were free to keep their national customs, their language and religion.

In the next year, 57 B. C., the three tribes in the Valais also succumbed to the Romans, and about the same time Cæsar founded an important military stronghold on the lake of Geneva, the Colonia Julia Equestris, now Nyon. In 15 B. C., the conquest of the whole of what is now Swiss territory was completed by the victory of Tiberius and Drusus, the stepsons of the Emperor Augustus, over the warlike Raeti. It is this latter victory which Horace celebrates in Ode XIV, addressed to Augustus, where, with somewhat transparent flattery, he ascribes the honor as due to the emperor instead of his generals. In the division of the empire, instituted by Augustus, the whole of Eastern Switzerland was assigned to the province of Raetia, the Valais formed a separate district known as Vallis Poeninus, Ticino remained with Italy, and all the rest was counted to Gaul, so that the country retained to a certain extent the motley political appearance which had characterized it in pre-Roman times.

The first care of the Romans after acquiring new possessions was to provide them with a complete system of roads, which,

though built primarily for military purposes, eventually also became the highways of commerce, and the arteries of civilization. Helvetia, Raetia and the Valais formed no exception to this rule, especially as the positions of these provinces made them of first importance as connecting links between the systems of defence upon the Rhine and the Danube on the one hand and Italy, the mother country, on the other.

Of the numerous roads which traversed the country, one started from Milan (Mediolanum), passed to the head of the lake of Como, over the Splügen Pass to Chur (Curia) and the lake of Constance; another from Aosta (Augusta Prætoria) over the Great St. Bernard (In summo Pennino) to Martigny (Octodurum), running thence along the northern shore of Lake Leman to Nyon (Colonia Equestris), to Geneva and thus into France; and a third branched off from the latter road at Vevey (Viviscus), and passed by Avenches (Aventicum), the chief city of the Helvetii, to Solothurn (Salodurum), just beyond which place it divided in two, one part going to Augst (Augusta Raurica) and thus down the Rhine, while the other followed the Aar to Windisch (Vindonissa). This place, now an insignificant village near Brugg in the Canton of Aargau, was chosen for the centre of the whole military system of Helvetia, being well adapted for the purpose by its situation at the juncture of the Aar, the Reuss and the Limmat, three small rivers which gave access to the interior. It was connected with the military stations dotted along the Rhine from the lake of Constance to Cologne, and with Raetia and the Danube by means of a road running through Baden (Aquæ), Zürich (Turicum) and along the Wallensee to Chur. It was the duty, therefore, of the legion stationed at Windisch to guard the communication between the two great divisions of the Roman army, on the Rhine and the Danube.

That this standing army was at times anything but welcome to the native population, is illustrated by a conflict which broke out in 69 A. D., between the Helvetii and the arrogant soldiery in their midst. Tacitus relates that after the murder of the

emperor Galba and the accession of Vitellius, a certain Alienus Caecina, officer of Vitellius, passed through Helvetia, where the people who had not yet heard of Galba's assassination, refused to acknowledge the authority of Vitellius. Thirsting for war, Caecina seized the first pretext to attack the Helvetii; they resisted and were massacred by the thousands in an uneven contest, escaping complete annihilation only by abject submission and through the eloquence of one of their orators.[1]

Switzerland is much richer in Roman remains than is popularly supposed. Extensive discoveries have been made in many places, notably at Nyon on the lake of Geneva, which the traveller will remember as a little castled town, with terrace and arbored walks, from whence Mont Blanc is seen in all its grandeur; also at Augst near Basel, now an insignificant hamlet, but once a stronghold of Roman civilization. Baden near Zürich has proved equally attractive to archeologists. It is described by Tacitus in his day as "a place which during long years of peace had grown to be like a city, much frequented on account of the attraction of its salubrious waters." This place is still a favorite resort for invalids, with its long rows of hotels, and the picturesque medieval ruin surmounting all. But the principal Roman remains are to be found at Avenches, the modern successor of ancient Aventicum, the chief city of the Helvetii.

Like many another place of historic interest in Switzerland, Avenches lies off the beaten track, so that in order to visit it, one must turn aside and make it the object of a special journey. It is charmingly situated upon a hill, in sight of the lake of Morat and the Jura mountains, and surrounded by fertile lands under cultivation — altogether a miniature town of medieval aspect with castle, wall and gate. Old Aventicum, however, occupied much more ground than modern Avenches; it lay for the most part in the plain to the east enclosed by a great wall some four miles in circumference. The present town is perched

[1] History, Book I., Chap. 67–69.

upon what was formerly the Castellum. On alighting at the railroad station the visitor immediately perceives the remnants of the old wall, which can be readily traced through its entire length; in fact one of its numerous towers still remains standing to bear witness to the formidable proportions it must have possessed. From the site of the ancient Forum, now a field of grass, there rises an architectural fragment of great beauty some forty feet in height, at once massive and graceful. It resembles a column, but has now been identified as part of an arcade which formerly flanked the Forum. This ruin is known locally as the *Cigognier*, because it used to be a favorite place for storks (French *cigogne*) to build their nests upon. Traveling from the Rhine to the lake of Geneva, Byron passed through Avenches, and it is to the *Cigognier* that he refers in his "Childe Harold's Pilgrimage":

> "By a lone wall a lonelier column rears
> A grey and grief-worn aspect of old days,
> 'Tis the last remnant of the wreck of years,
> And looks as with the wild bewilder'd gaze
> Of one to stone converted by amaze,
> Yet still with consciousness; and there it stands,
> Making a marvel that it not decays,
> When the coeval pride of human hands,
> Levell'd Aventicum, hath strew'd her subject lands."[1]

The poet has been very successful in rendering the impression which this ruin produces upon the mind, and it is unfortunate that in the next stanza he should dilate with enthusiastic praise upon the story of a certain Julia Alpinula, which is now known to have been invented out of whole cloth by a forger of inscriptions. It seems to have been Byron's fate to immortalize unwittingly many a falsehood or a half-truth.

A few fragments of fluted columns and stray bits of ornament, still lying on the ground or gathered into the local museum, alone attest the ancient beauty of the Forum. Against the hillside, across the Forum, and partly hidden by brushwood, are

[1] Third Canto, Stanza LXV.

the concrete substructure of a theatre. Near by also are indications of four Guild Houses, one belonging to a fraternity of boatmen, and at the Eastern entrance to the modern town there is an oblong depression which reveals the former presence of an amphitheatre. Finally in the extensive fields beyond, in the direction of the wall-tower, the remains of baths have been found, as well as an unusually rich collection of mosaic floors, statuettes, amphoræ, drainage pipes, and all the usual evidences of Roman civilization.

Aventicum reached its period of greatest prosperity under Vespasian and Titus, who both favored it with their imperial protection, doubtless because according to Suetonius, Vespasian's father, surnamed Sabinus, had "turned usurer [or banker, as we should say] amongst the Helvetii, and there died."[1]

When under Domitian and Trajan the Roman empire received the greatest extension to which it ever attained, Helvetia ceased to be a frontier province, the soldiery were pushed forward across the Rhine, and a long period of peace set in, which lasted not far from one hundred and fifty years. The land advanced many degrees in the knowledge of the peaceful arts and of a wider culture, Roman gods and goddesses supplanted the Celtic divinities, the theatre and gymnasium flourished, and the barbarians were to all appearances completely Romanized. It is doubtful, however, whether the best side of this superimposed civilization became in any sense an organic part of the character of the Helvetii, whether they did not rather absorb too readily its vices without comprehending its higher aspects, and in assuming the Roman did not often bury the best qualities of the Helvetian. All national enthusiasm vanished forever to give place to a skin-deep and uncertain polish, for, as even Tacitus in his day says, "Of late years the history of their ancestors was their only glory."

This welcome era of peace came to an end during the reign of Valerianus and Gallienus, when the German hordes, taking

[1] Lives of the Twelve Cæsars.

advantage of the confusion into which the empire had been plunged by the claims of rivals to the throne, succeeded in breaking through the Roman system of defence. The Alamanni, who were later to play so great a part in the destinies of Switzerland, invaded Helvetia and destroyed Aventicum, which was never after rebuilt. With a mighty effort the Romans under Aurelian and Diocletian reoccupied some of their former strongholds and maintained the line of defence upon the Rhine, but everything beyond that river was lost to them. Helvetia once more became a frontier province full of soldiers, and exposed to continual ravages from marauding German tribes; the land became as unsafe as it had been before the Roman occupation. Ammianus Marcellinus, traveling through Gaul in the suite of the emperor Julian, enumerates amongst other cities, "Aventicum also, now a deserted city, but once of no mean account, as the half ruined buildings even now testify."[1]

Modern Avenches, an insignificant country town with perhaps a tenth of old Aventicum's population, visited at most by a stray archeologist, and forgotten by the great world outside, admirably illustrates the decay which overtook that ephemeral civilization the Romans had tried to graft upon the Celtic Helvetii. The fall of Helvetia is best symbolized by the column whose "grey and grief-worn aspect" appealed so strongly to the poet.

But there was a ray of light in all this gloom, one great mitigating circumstance in this shame and degradation, for it was just about this time that Christianity made its appearance in the regions north of the Alps.

Such was the confusion of the period that it is impossible to find perfectly trustworthy documentary evidence in regard to this introduction of Christianity. The only testimony of any sort is derived from a number of legends and traditions preserved by the Catholic Church. Unfortunately they are so much distorted by miraculous interpolations that the task of extracting the historical germs they may contain, is well nigh hopeless.

[1] XV, 11.

There is a tradition, perhaps the least authenticated of all, though singularly beautiful in its details, concerning a St. Beatus whose cave and ruined chapel are shown to travelers at a spot above the carriage road which flanks the northern shore of Lake Thun; another connects a St. Lucius with the city of Chur; but the most important and, on the whole, best supported legend is that of St. Maurice. The story goes that a Christian legion, recruited from Thebaïs in Egypt, and commanded by an officer Maurice, was massacred while at Agaunum in the Lower Valais, by command of the Emperor Maximianus, who was just then carrying on a vigorous persecution of the Christians throughout the Empire. In memory of this martyrdom the name of the place was changed to St. Maurice. This particular legend has been much discussed because it forms the starting point for a number of others, whose authenticity, therefore, depends upon it. After the persecutions in the Valais, namely, many Christians are supposed to have fled to other parts; notably the Sts. Felix and Regula to Zürich and Ursus and Victor to Solothurn. It is significant that the first Bishop on Swiss territory, mentioned by reliable records, was a certain Theodor or Theodul, resident in the Lower Valais, at Martigny, in 381.

But whatever may be the historical importance of the legends, it is likely that the most potent influence was exerted, not by regular missionaries, but by Christianized officials, merchants and soldiers who came into contact with the people. In other words Christianity was introduced as civilization had been, by a multitude of unrecorded acts, and by a process of infiltration rather than of inundation—from Gaul into Geneva, on the one hand, and from Italy into the Valais on the other, creeping along the high roads of commerce and of military enterprise.

No Roman inscriptions have been found in Switzerland which date from a later period than the reign of Constantine, and no coins after Valentinian I., for by that time the limit of Rome's power of resistance in Helvetia had been

reached. Valentinian, indeed, still made a last attempt by erecting a stronghold at the sharp bend of the Rhine, and naming it Basileia, in Greek "The Royal," now Basel, but the hour had come when, demoralized by internal corruptions, the Roman Empire could no longer hold in check the vigorous, unspoiled barbarians upon the frontiers.

CHAPTER III.

THE TEUTONIC ANCESTORS OF THE SWISS.

IN the beginning of the fifth century the final and successful invasion of the German nations broke over the Roman Empire and changed the face of Europe.

In 406, or 407, the nation of the Alamanni, crossing the Rhine and the Jura, took possession of northern Helvetia. A few years later, in 443, the nation of the Burgundians settled on the shores of the lake of Geneva, in Sabaudia, or modern Savoy, and in southern Helvetia. What is now the Canton of Ticino remained with Italy, and shared the fate of that country until far into the Middle Ages. The inhabitants of Raetia, the modern Canton of Graubünden, in their mountain fastnesses alone escaped almost untouched from the tide of Teutonic invasion.

This distribution of the invaders must be distinctly borne in mind, for the above-mentioned races, with the addition of a remnant of Celts, form the basis of population in the four divisions of modern Switzerland — the German, French, Italian and Romansch speaking districts. Although the political aspect of these divisions has changed more than once since then, the races have remained practically the same to this day.

The Alamanni are identical with the Semnones of Tacitus. They were the main branch of the Suevi, and in fact always called themselves Schwaben, for the name Alamanni was given to them by Greek and Latin authors. Authorities are divided as to the etymology of this latter name. Baumann explains it as meaning "The men of Alah," *i. e.* of the sacred grove, while Joh. Meyer as equivalent to "All men" (*universi homines*).

When first mentioned by writers, the Alamanni were dwelling in the region between the rivers Elbe and Oder. Thence they moved southward and established themselves between the Main and the Rhine, and it was from this territory as a basis of operations that they made incursions into Helvetia, destroying Aventicum in 264, but sustaining repeated reverses at the hands of succeeding emperors, until their final invasion at the beginning of the fifth century.

The fact that the descendants of these Alamanni were destined some eight centuries later to found the Swiss Confederation, lends a special value to everything which concerns the economic, social and political organization of the Teutonic invaders. It is much to be regretted that sufficient material for a comprehensive study of their condition at this early time has not come down to us. The body of law, known as *Pactus lex Alamannorum* throws considerable light on their public life two centuries later, but for the study of the fifth century we are obliged to content ourselves with the examination of the few remains which they have left, of the dialects and the names of places in German-speaking Switzerland of to-day, and with certain deductions which may be established by analogy with other Teutonic nations.

It may be inferred from the presence of distinct dialects in well-defined areas of modern German speaking Switzerland, that the Alamanni took possession of the country in detached groups, at various intervals of time, and not in one general invasion. Nor can there be any doubt that they forcibly reduced the Helveto-Roman population to slavery, and distributed their lands amongst themselves. The whole social fabric of the Romans was torn to shreds, and in the general catastrophe, Christianity, itself a newcomer, was almost entirely supplanted by a primitive heathenism. Only here and there little communities which had been overlooked, or had intrenched themselves in the mountains, remained to testify to the former presence of Latin civilization. It is significant of the sweeping change which took place, that the great majority of the

modern names of places in the territory, which the Alamanni took in possession at that time, are Teutonic in origin, while the few Celto-Roman designations, which were retained, were completely Teutonized, *e. g.*, Turicum was changed to Zürich and Vindonissa to Windisch. It also seems probable that the invaders found Helvetia in great part unreclaimed or devastated, covered with forests and swamps, for a noticeably large number of names are compounds of words signifying forests, clearings and moors.

The greatest interest, however, centres in their system of land tenure, for if it can be stated as a general truth that the key to the history of all nations is to be found in the manner in which they distribute and hold the land, it must be acknowledged that this truth is especially patent in the case of the Alamanni.

Following the natural bent of the Teutonic race, they settled principally in isolated farmsteads (*Einzelhöfe*). This is sufficiently proved by the prevalence of names of places with patronymic forms, of which the name of Zollikon, now a village on the lake of Zürich, may be taken as an illustration. The original settler was a certain Zollo; his descendants were known as the Zollinger; and the group of their farms (*höfe*) was then called Zollinghofen, shortened in course of time into Zollikon. The Alamanni undoubtedly also founded open villages and hamlets, surrounded by wide-reaching, unused land, but avoided until much later the ruined towns which they found studding the country. It is impossibe to follow out in every detail the manner in which they parcelled out the land amongst themselves, but there can be no question that there grew up in their midst in very early times the peculiar system of the Almend, a system which it will be necessary to notice particularly on account of its transcending importance in the life of the Swiss people. Briefly stated the Almend was the undivided land which surrounded a settlement. It consisted, according to the nature of the ground, of meadow, pasture and forest, and also of swamp, lake, river or mountain. As long

as the country remained thinly populated, the supply of undivided land between the settlements remained practically unlimited, and there was of course no need of defining any one's rights to that land, but when in course of time the population increased and the settlements expanded, the want of more land naturally made itself felt, and regulations were adopted for the management of this undivided land.

Some doubt has recently been expressed as to whether these regulations took a communistic form at first, whether the right to the Almend was vested in the freemen of a settlement collectively or distributively. There is in point of fact no subject in history more hopelessly confusing than this of the primitive Teutonic communities. Indeed it is a question whether historians, with the material now at their command, will ever be able to establish a definite and completely satisfactory theory in regard to the origin and growth of these communities. Nevertheless there seems to be a general agreement that, whatever may have been the rights of individuals as such in the Almend at first, these rights were gradually supplanted in the course of the Middle Ages by those of the community as a whole. The cattle of the whole settlement grazed upon the pastures and every householder cut his share of wood in the forest. In so far as the Almend served as a boundary between settlements it was also called the Mark, and the community organized to use it, an Association of the Mark (*Markgenossenshaft*).

Upon their entrance into Helvetia the Alamanni had as yet remained almost uninfluenced by Roman civilization, with which they had in reality hardly come into contact. They were still Pagans and were not Christianized until the advent of the Irish missionary Columban at the beginning of the seventh century — more than two hundred years later. During this period all the rudiments of the purely Teutonic institutions which they had brought with them, such as the system of the Almend, their organization into Hundreds and Counties with open-air legislative and judiciary assemblies, had an opportunity to grow and consolidate into definite forms. It was then

that the seed was sown on Swiss soil from which eventually arose the free communities whose welding together has produced the Confederation of to-day.

There is a somewhat remarkable similarity between the Alamannian invasion of Helvetia and that of Britain by the Saxon and English tribes. It has so far, I believe, escaped the notice of historians, and yet it explains to us as nothing else can, why Switzerland and England (with her colonies and the United States) have retained Teutonic institutions in greater purity than all the other states founded by Teutonic races. Both the Alamanni and the Saxons were practically untouched by Roman civilization when they made their conquests, both nations were still pagan, and undermined Christianity in Helvetia and Britain so effectually that foreign missionaries were obliged to revive that religion in both countries at a later date. From the arrival of the Saxons to the landing of Augustine was an interval of some hundred and forty years; from the invasion of the Alamanni to the advent of Columban about two hundred years, so that primitive Teutonic institutions had every opportunity to establish themselves in Switzerland and England with a tenacity which subsequent foreign influences were never able to shake.

A few years after the Alamanni had thus taken forcible possession of northern Helvetia, another Teutonic nation, the Burgundians, acquired Savoy and southern Helvetia by peaceful means.

As late as 443 these Burgundians still had their habitation in the region surrounding Worms, where in fact, the events narrated in the Nibelungenlied took place in their midst. But in that year they pressed southward into the Roman province of Sabaudia, and were quartered upon the inhabitants of that district by the Roman general Aëtius. They did not reduce the Celto-Roman population to slavery, as the Alamanni had done in northern Helvetia, but were content to accept from them a certain share of their possessions: two thirds of their fields and one half of the rest of their goods. In this manner

the two nationalities were thrown intimately together, and before long were inextricably interwoven the country over. From this peculiar relation between the two nationalities arose the fact that, wherever the Burgundians penetrated, Roman customs, law and language were retained, whereas these were utterly rooted out, wherever the Alamanni gained permanent possession. Moreover the Burgundians, upon their entry into Sabaudia, had already been Christianized in the Arian faith, and were apparently by nature also more receptive of civilization than the Alamanni, so that they soon discarded their Teutonic traditions and adopted the principal features of Roman culture. Under a certain King Gundobad (473–516) the Burgundian state reached the height of its prosperity. This ruler issued a collection of laws, remembered in French Switzerland as the "Loi Gombette," which if anything had still been needed, completed the Romanization of the Burgundians.

There are indications that the two nations of the Alamanni and Burgundians, these Teutonic ancestors of the modern Swiss, did not live in peace with one another. The frontier line between them wavered for a long time to and fro, as a result of their mutual encroachments, before definitely following about the same course which may be traced to-day, dividing French from German-speaking Switzerland. The Alamanni, for example, at one time pushed over the Jura mountains, but were later forced back by the Burgundians; while, on the other hand, the chronicle, known to scholars as that of Fredegar, makes mention of an invasion of the Alamanni into the region of Avenches, which they devastated with fire and sword.

Confusion, therefore, reigned supreme in the territory now comprised by the name of Switzerland. With two rival nations struggling for supremacy and holding each other in check, it was evident that the country was practically defenceless, and at the mercy of any determined third power.

Indeed, hardly had the Alamanni and the Burgundians acquired fixed domains when they were themselves incorporated into the rising kingdom of the Franks, just then enter-

ing upon that great career of conquest which was to make of it the veritable successor to the ruined Roman Empire of the West.

It appears that while extending their depredations into Gaul, under the leadership of their Duke, the Alamanni came into collision with the Franks, and in 469 were completely routed in a severely contested battle by Chlodwig, the Merowingian, ruler of the Salic Franks. The scene of this battle was probably somewhere on the Upper Rhine, but not at Zülpich, as has been erroneously believed. A part of the conquered Alamanni took refuge in the Raetian mountains, at that time belonging to the kingdom of the East Goths under Theodoric, the Great, but in 536 returned under the dominion of the Franks, when Raetia was ceded to these conquerors by the East Goths. Nor was it long before the Burgundians also began to feel the heavy hand of their Frankish neighbors. After Gundobad's death and the accession to the throne of his weak and priest-ridden son Sigismund, the Burgundian Kingdom began to decline. Chlodwig's sons, Childebert I. and Chlotar I., deposed Sigismund, and in 534 defeated his brother Godomar at Autun, therewith incorporating Burgundy into the Kingdom of the Franks.

Thus was the whole of what is modern Switzerland, with the exception of Ticino, once more united in subjection to a single power, as in the days of the Roman occupation, to share for centuries in the varying vicissitudes of the Merowingian and Carolingian rulers of the Franks.

CHAPTER IV.

THE SUPREMACY OF THE FRANKS.

A CERTAIN amount of credit is due to the Franks for the manner in which they governed their new possessions. Instead of attempting to break down ruthlessly whatever was characteristic of the two nations, in a mistaken effort to absorb them more readily, they recognized the wisdom of allowing each what was distinctive in its laws, whenever this was consistent with their own supreme rule. Thus it was that the Loi Gombette was permitted to remain in force in Burgundy, and in Alamannia a body of native law, the *Pactus lex Alamannorum*.

This latter collection, which has come down to us only in fragments, gives us the first documentary insight into the life of the Alamanni. It appears to have been begun about the middle of the sixth century, and does not differ materially from the other Teutonic folk laws, dating from that period.

There was apparently no pretence of democracy amongst the Alamanni, using the term in its modern sense, for the *pactus* clearly distinguishes two great classes of men — the freemen and the slaves. The freemen were subdivided into nobles (*primi*), freemen land-owners (*medii*), and freemen without land of their own (*minoflidi*); the slaves into two classes: freedmen (*liti*), with certain rights from their masters, and bondmen (*servi*), who enjoyed no rights whatever, and were sold from hand to hand like cattle. German scholars generally use the names of *Knechte* or *Leibeigene* for the bondmen and *Hörige* for the freedmen, a distinction which must be borne in mind, as it will receive important application in dealing with the early Swiss. It is well to notice that it was the land

which formed the basis of classification amongst the Alamanni, as indeed it must amongst all nations, for in the last analysis all history is but the record of land-holding amongst the nations. The relative importance of the above classes was expressed by the *Wergeld*, the fine which a murderer was obliged to pay to the kindred of his victim, from 240 shillings (representing approximately in modern value 4500 dollars) for a noble, to 15 shillings (280 dollars) for a bondman. King Chlotar II. (613-628), or possibly Chlotar III. (656-660), revised the *pactus* in order to bring Alamannia more completely under the royal control, and to favor the spread of Christianity in that still pagan country. For these purposes he made the Duke of the Alamanni, who was the political and military head of the nation, subject to the authority of the Frankish King, as a sort of viceroy, and introduced the so-called County (*Gau*) system. He used the existing division of the country into Counties (subdivided into Hundreds), a division which had probably existed for a long time, but of which the beginnings cannot be clearly traced. Over each county the Crown appointed a Count who administered the law and levied troops. He went about and held court in each Hundred within his county in the presence of the freemen of the Hundred united under their Centenarius (later also *Schultheiss*).

In fact it was the county system, upon which the Frankish Kings relied, in order to hold together so heterogeneous a mass as their possessions grew to be. The counties of Burgundy were united into groups, each group under a superior called *Patricius*, and the two counties of Raetia under a *Præses*.

Amongst the few events, which we can cite with certainty during the rule of the Merowingian Franks, is the revival of Christianity in Alamannia. It was more truly a revival than a reintroduction, as one might at first be tempted to call it, for Christianity had never entirely disappeared from the land; as in Britain, so in Helvetia there were still Christian communities in existence, which had weathered the Teutonic invasion.

Augst (later Basel) and Vindonissa (replaced by Constance) seem to have been the seat of bishoprics throughout that period of confusion, so that when the Irish missionaries penetrated into the forests of Alamannia two hundred years later, they still found evidences of primitive Christianity. It would be more correct, therefore, to say that the machinery of the Church, however incomplete it might have been, in reality never ceased entirely to work, and that the task set before Columban was very much like that of Augustine, to revive and reorganize, rather than reintroduce. It will, of course, always appear strange that this revival should have been set on foot by foreigners from distant Ireland, rather than by the clergy of the Frankish conquerors or of neighboring Burgundy and Raetia, where Christianity was already firmly established.

Columbanus, who must be carefully distinguished from St. Columba, the more famous founder of the monastery of Iona, was a native of Leinster in Ireland. In 590 he left the monastery of Bangor, accompanied by twelve companions, in order to carry the Gospel to those parts of the continent which had not yet received the faith. Without entering into the ecclesiastical controversy which has existed for many years in regard to the doctrines of the ancient Irish Church, we may safely say that it did not acknowledge the supremacy claimed by the Bishop of Rome, and certainly exercised a great deal of independence in the management of its own affairs. The labors of that part of the band which reached Alamannia are described in one of the most valuable of early chronicles, the Vita Sancti Galli, written in Latin by an unknown monk of the monastery of St. Gallen about the year 771.

Columban and his companions first visited the court of Theodebert, King of Austrasia, one of the divisions into which the Frankish Kingdom had fallen at the end of the 6th century. But they resisted his entreaties to remain in his country, and in 610 pushed on, endeavoring to find a region, where their missionary labors might be more necessary. "In this search," says the Vita, "they came to the river Lindima-

cus (Limmat), followed its course and came unto a fortress by name Turegum (Zürich). Thence they reached the hamlet which men call Tucconia (Tuggen), and which lies at the upper end of the lake from Turegum. This place pleased them, but not the evil ways of the dwellers. Cruelty and mischief ruled in their midst, and they were given over unto heathen superstitions. Therefore, when the servants of God had made their dwelling amongst them, they taught them to worship God, the Father, Son and Holy Ghost. For Gallus, whose miracles, with the Grace of Christ we shall be at pains to tell, and who followed the man of God, Columban, as has already been said, from the beginning of his monastic life, and who shared his labors, this one began to throw the images of their Gods into the lake." Driven thence by the enraged Alamanni, the missionaries went to Arbona (Arbon), where they met a native priest by name Willimar. "After these days they learned from the same priest that in the neighborhood there was a ruined town, by name Pregentia (Bregenz) . . . Now in that place the superstitious people worshipped three brazen and gilded images, to which they were more attached, and to which they brought greater gifts than to the Creator of the world. After an eloquent exhortation and before the eyes of all, Gallus dashed to pieces against the rocks the images which he had taken away, and cast them into the depths of the lake [of Constance]. Then did a part of the people confess their sins and believed, but the others went away in anger and filled with wrath." Being appealed to by these unbelievers, Kunzo, Duke of Alamannia, bade the missionaries leave the country, and so Columban crossed the Alps into Italy to make new converts amongst the Lombards, and to die amongst them not long after. But Gallus, afflicted with fever, remained behind, withdrew into the forests of North-eastern Alamannia, and in 614 founded a hermitage near the brook Steinach, which was destined to become after his death one of the most influential centres of Christian civilization in Central Europe.

However great may be the want of historical accuracy in

the account of this monkish chronicler, who was evidently bent as much upon sermonizing as upon recording the origin of his monastery, he gives us some valuable bits of information in his references to the fortress Turegum, and to Arbona and Pregentia with their surviving evidences of Christian and Roman civilization, as well as to Kunzo the Duke of Alamannia and Gallus, the iconoclast.

The hermitage appears to have enjoyed a local reputation from the first. In the course of the next hundred years a community had gathered in the vicinity, forming the hamlet of St. Gallen, while over the spot where the hermit's cell had stood, a monastery was built, in which the strict rules of the Irish Church were enforced until 720, when they were abolished, and those of St. Benedict substituted by an abbot Othmar. From this time on St. Gallen began to play an important part in the social and political growth of Alamannia, for it was the peculiar vocation of the church to distribute a civilization which should take the place of the lost one of ancient Rome. All traces of paganism were slowly and discreetly removed, or else invested with a Christian meaning.

From the eighth to the tenth century St. Gallen was one of the greatest seats of learning in Europe, its history being virtually that of the best medieval culture during that period. At the risk then, of seeming to neglect the general course of events in the Kingdom of the Franks, but really in order to render the history of this monastery at once more consecutive and more easily comprehensible, the writer will here proceed with an account of St. Gallen during its golden age.

The chronicler of the monastery, to whom we are indebted for our information concerning this period, is a monk, Ekkehart IV., who wrote the Casus Sancti Galli in the eleventh century. He gives a graphic, if somewhat biassed, version of the fortunes of the institution, and describes the lives of the men who contributed to its greatness. There was the composer of music, Notker, surnamed the Stammerer, the author of so-called sequences in the music of the mass. He was the

first of three Notkers famous in the annals of the abbey. The second Notker was a physician, one of the pioneers of modern medicine, and the third, surnamed the Thick-lipped, is reckoned among the fathers of German prose. Not that his works are valuable for any new ideas contained in them, being principally translations of the classics, undertaken to help his pupils in the monastery school, but because they are amongst the earliest efforts ever made in German to put into writing the common speech of the people. Another personage was the versatile Tuotilo, who was "eloquent, with a clear voice, skillful in embossing, and an artist in painting, a musician as well as his companions, but superior to them all on stringed instruments and reed-pipes, for he taught the sons of the nobility on the strings in a room set apart by the abbot." Ratpert, a native of Zürich, was reckoned one of the most assiduous scholars and schoolmasters of the abbey. On the St. Gallen records are the names of five Ekkeharts, three of whom were noted men. Ekkehart I. was the author of a Latin poem, and Ekkehart II. is known to the present generation as the hero of Sheffel's great novel bearing the name of Ekkehart. In that work the monk is described as becoming the lover of Hedwig, Duchess of Alamannia, but Dändliker[1] thinks the novelist has overstepped the bounds of actual historical truth in constructing his plot, and does not believe that love or indeed scandal ever entered into the relations of the noblewoman and the monk. The Casus relates this curious episode in the Abbey's history at some length. It appears that the beautiful, but eccentric, widow had been engaged in her youth to be married to the Greek emperor Constantine, and that she had at that time been carefully instructed in Greek learning by ambassadors especially sent for the purpose. Though this marriage never took place, she acquired a taste for learning, and as widow of Burkhard II., Duke of Alamannia, she renewed her studies with Ekkehart II. She went to the Abbey and requested that he be given to her as teacher, "having the day before, because he was door-

[1] Geschichte der Schweiz. Vol. I, p. 187.

keeper, secretly made an agreement with him to this effect," adds the chronicler.

The other Ekkehart who deserves to be mentioned is the author of the chronicle quoted above, a work not free, by any means, from the usual inaccuracies of medieval chroniclers, but nevertheless extremely valuable and eminently readable.

Indeed the art of writing, a rare accomplishment in these days, implanted in the monastery by the numerous Irish brethren, had during the ninth century produced a truly extraordinary literary activity. The classics were much studied, especially for practice in order to acquire facility in reading the Latin Vulgate edition of the Bible. St. Gallen also had its artists, its musicians, carvers, and illuminators of texts. The so-called Golden Psalter, dating from the ninth century, is one of the most highly prized examples of monkish art to be found anywhere, a work which is said to exhibit to-day colors as fresh as though painted but yesterday.

The founding of the monastery of St. Gallen over the spot where the hermitage of Gallus had stood, is typical of many others on Swiss territory. Thus Dissentis (corruption of *Desertina*) was founded near the source of the Rhine, probably by Sigisbert, a disciple of Columban, and the monastery of Reichenau by St. Pirmin on an island in the lake of Constance. A number of churches and chapels sprang up in all directions, so that by the middle of the eighth century Alamannia, as well as Burgundy, was practically Christianized.

In the meantime the family of the Merowingians died out by degrees in a manner which leaves an impression nothing short of painful. They sank gradually, but inevitably, through an unbroken series of crimes and feuds to utter incapacity. The Frankish Kingdom after having experienced several partitionings, at the beginning of the seventh century fell apart into Austrasia and Neustria, and the rulers of these two divisions ended by placing all but purely nominal authority into the hands of their Majores Domus (Mayors of the palace). The Austrasian Pipin of Heristal became major domus of both

divisions by defeating the Neustrian major domus. He was followed by his son Charles Martel and by his grandson Pipin, the Small, who deposed Childeric III., the last of the decaying Merowingians, in 751, and was then declared King of the Franks. Pipin's elder son Karlmann died in 771, and his younger son Charles the Great (Charlemagne) then became King of the Franks and later, Emperor of the West.

With the advent of Charles the Great to power in 768 a new era began to dawn over the Frankish possessions, an era marked first and foremost by a centralization of the functions of government into the hands of one man. The Carolingian idea of the divine right of Kings resulted in consolidating the various parts of the Empire into something like a homogeneous whole, at least during the lifetime of the great emperor.

There seems to be no reason for supposing that Charlemagne gave particular attention to that portion of his realm which forms the subject of this history. But it is well established that he must have repeatedly traversed what is now Swiss territory on his way to and from Italy. He certainly visited Geneva and Constance, perhaps even St. Maurice and Zürich. A number of traditions, the truth of which is not sufficiently proven, connect him especially with this last place, where the Institute of Canons (*Chorherrenstift*) attached to the Grossmünster, and its school, the Karolinum, claimed to have been founded by him. Among the great scholars whom he gathered around his court were two bishops from Swiss soil, Hatto of Basel and Remedius of Chur, and he likewise confirmed the independence of the Abbey of St. Gallen from the jurisdiction of the see of Constance.

In order to keep pace with the increasing size of his empire, Charles the Great was obliged to enlarge the County system, and to bring it more immediately under his control. Beside the ordinary Gaugrafen, he appointed Markgrafen over the border districts, and Sendgrafen, imperial messengers, who made periodical circuits, heard complaints, and reported them to him. Important changes were made also in the administra-

tion of justice, in the levying of troops, and in church polity. Under his patronage education made great strides, agriculture was improved, and the arts and sciences received a much needed impetus.

But while the consolidation of the empire was going on apace, and the reforms of Charlemagne were raising society to a higher level of culture, the rapid development of the feudal system was dividing his subjects into castes which tended continually to become less pliable. A wedge was thus introduced which was destined after the death of the great emperor to split the state into countless factions, reducing his descendants to a condition of pitiable impotency.

Like everything else which is connected with the organization of ancient Germans, this institution of the feudal system cannot be traced to its origin with anything like certainty. The custom of comradeship, mentioned by Tacitus, is probably the earliest form in which it appeared. Under Charles the Great, however, it reached a stage of the highest development, partly in consequence of his administrative changes, but principally as the result of natural causes, over which he had really no control. It is, in fact, to the concentration of land into the hands of a few men, in a word to the growth of large estates, that we must look for the prime cause of this extraordinary progress of the feudal system. The owners of vast landed property could not possibly cultivate the whole of their possessions themselves. It followed, therefore, that they must lend them to others on certain conditions of rent and personal service, a course which placed these borrowers in the feudal relation to the owners of the land. In time a rigid class system grew upon this basis of land tenure, with hard and fast distinctions from the sovereign down to the serf, each rank owing services of some sort to the rank above it, and receiving in return a certain measure of protection, somewhat arbitrarily accorded.

This dangerously artificial and inelastic system might perhaps have maintained itself unimpaired, had it not been for

the so-called decrees of immunity (*immunitas* in the documents), which the Frankish rulers, notably Charles the Great and his successors, saw fit to issue to church institutions. Such decrees took the institutions, to which they were granted, from the control of the Count, under whose jurisdiction they would naturally have fallen, and placed them in the immediate care of an imperial Vogt (corruption of *advocatus*), or bailiff. This privilege is described by German scholars as *Reichsunmittelbarkeit.* It was largely upon this same right of immunity that the Forest States, Uri, Schwiz and Unterwalden, later founded the Swiss Confederation, by refusing to submit to the hereditary Counts of the thirteenth and fourteenth centuries. But not only were the heads of ecclesiastical institutions liberated from the trammels of the county system, secular nobles also, envious of their success, managed to acquire this much desired prerogative, and even the Counts achieved a certain amount of independence by establishing the principle of hereditary succession. Thus did the immunity make inroads into the organization of the County system, and undermine the uniform administration of justice throughout the empire.

As long as a strong sovereign was at the head of the complex Frankish empire, the stability of the state remained unimpaired. While Charles the Great lived, he was able to hold the empire together by the force of his executive genius, but under his weak successors it fell apart.

In 814 Charlemagne's youngest son, Ludwig the Pious, succeeded to the throne. He barely maintained his position against four rebellious sons until his death in 840. Finally, in 843, the empire was divided amongst the three remaining sons, Lothar, Ludwig the German and Charles the Bald at the treaty of Verdun.

It is not without reason that the French and Germans date the beginning of their separate existence, as nations, from this treaty, for, though drawn up simply as a family contract, it was in reality destined to effect a new grouping of nationalities.

Nor could an event of such capital importance in general European affairs fail to exert a corresponding influence upon what is to-day Swiss territory. By this treaty Alamannia and Curraetia went to Ludwig the German, while Burgundy was given to Lothar. The country was, therefore, once more divided, after having been united for more than three hundred years under the sceptre of Frankish Kings. The contrast which already existed between the purely Teutonic Alamanni and the Romanized Burgundians was thus emphasized by political separation.

CHAPTER V.

QUEEN BERTHA OF BURGUNDY.

THERE is an expression still currently used in French Switzerland, *le bon temps que reine Berthe filait*, which is equivalent to our saying of "good old times." It recalls one of the most delightful chapters in the history of that region, when a Queen Bertha, sat on the throne of the Kingdom of Transjurane Burgundy, and endeared herself to her subjects through the charitable disposition which she evinced and the executive ability with which she ruled. So vivid was the impression she made on her contemporaries, that their descendants have preserved the image of the good queen with greater clearness than those of personages whose careers were fraught with even more important consequences to the historical development of the country.

In the earliest stages of the situation created by the treaty of Verdun, the Kingdom of Lothar presented a picture of the most complete demoralization. Indeed it had hardly been constituted when it was already hopelessly divided into a variety of new states. Only one of these falls within the scope of the present history — the Kingdom of Transjurane, or New Burgundy, founded in 888 by a Markgrave Rudolf, related to the Guelph family. The coronation of the new king took place at St. Maurice in the presence of the spiritual and temporal lords of Burgundy. He succeeded in maintaining himself against Arnulf of Carinthia, King of the East Franks, and during the reign of Ludwig, the Child, established his kingdom upon so firm a foundation that he was able to leave it intact to his son, Rudolf II.

The latter sovereign, then, considerably enlarged Transjurane Burgundy ; rather, indeed, by his good fortune than by his talents. In attempting to add to his possessions in the direction of Alamannia, he came into conflict with Burkhard I., who had just raised himself to the position of duke of that country, and was defeated by the latter in a battle at Winterthur (919), but this feud was amicably settled two or three years later when Burkhard gave him the hand of his daughter in marriage.

This was the famous and beloved Bertha, the queen whom popular tradition represents as going about amongst her people, riding on a palfrey, and spinning the while from her distaff, in the good old times of Burgundy. She brought her husband a large dowry in lands, probably a portion of Alamannia, so that Rudolf thus acquired by peaceful means what he had failed to do by force of arms. Before he died he had also enlarged his kingdom by another stroke of good fortune to include the two Burgundies, comprising what is now French Switzerland and in France, Provence, Dauphiné and Franche Comté. An infant son, Conrad, succeeded Rudolf, in 935. He was placed during his minority under the guardianship of Otto the Great, Emperor of Germany. Bertha's daughter Adelaide, famed for her beauty and piety, had married King Lothar of Italy at the age of sixteen, to whom she had been betrothed from infancy, but three years later, at the death of Lothar, she became the bride of Otto, the Great, of Germany.

Bertha's activity during the reign of her husband and the minority of her son was of such a character as to imprint her personality indelibly upon the period. The documents relating to her are few indeed, but tradition is, perhaps for this reason, all the richer in reminiscences. Amongst the stories which have been handed down in French Switzerland, is the following : As the queen was making her rounds one day from farm to farm, she met a young shepherdess who was spinning as she watched her flock. Pleased at this sign of industry, Bertha gave her a rich present. On the morrow the queen was surprised to see all her ladies in waiting appear with distaffs in

their hands. "My ladies," said Bertha, "you come too late. The young peasant girl came first, and like Jacob, she has taken away my blessing." The Bernese painter, Anker, has executed an admirable work representing the queen in the act of teaching some children of the people how to use the distaff. Not only is the subject treated with excellent artistic effect, but the costumes are scrupulously accurate for the period. During the terrible invasions of the Magyars and Saracens, who poured over the Alps in the early part of the tenth century, devastating the country as far north as Chur and St. Gallen, Bertha is reported to have erected towers of refuge, having a wide outlook. Towers of this sort at Gourze, Moudon, Molière and Neuchatel, now rapidly falling into ruins, show by their construction that they were intended to be simply shelters in time of danger, and not regularly inhabited strongholds. Tradition also ascribes to her the building of many roads and bridges, and credits her with taking a special interest in developing the agricultural interests of the country.

Of strictly authentic facts regarding the good Queen's life, there is unfortunately a great lack. In 961 she executed a will, deeding valuable properties to the Abbey at Payerne, "for the love of my lord Rudolf, of my sons, of Otto, the most glorious King, of my daughter Adelaide, and finally for my own sake, and for the souls of all those who shall endow this temple of the Lord."[1] An elaborate curse is appended to this document, after the custom of the age, to be invoked upon all who may dare to set aside the provisions of the deed. Modern Payerne is a thriving little town, not far from Avenches, and off the track of tourist travel, with a local reputation for pork sausages rather than for any special display of sanctity. Queen Bertha placed the monastery in charge of a Benedictine Abbot, Majolus. She and her daughter Adelaide ever after showed a special interest in this ecclesiastical foundation. In point of fact the Abbey church, though it has suffered with the lapse of so many centuries, is one of the most interesting and valuable architectural remains of Switzerland.

[1] Recueil des Historiens des Gaules et de la France.

As far as can be ascertained the royal family of Transjurane Burgundy had no fixed place of residence, but changed about from one castle, or one estate to another, as public policy or private preference suggested. There is a document, dated 1011, in which Conrad's son Rodolf III. deeded to his wife Irmengarde a most royal residence (*regalissimam sedem*) at Neuchatel. It was at one time thought that this residence was identical with the south-western wing of the present castle of Neuchatel, a romanesque building of unusual beauty, ornamented by a pillared gallery, somewhat after the style of an Italian loggia. The church also of Notre Dame, now known as the Temple du Haut and the cloisters of the Collegiate with their archaic carvings, were attributed to Bertha. But Rahn and the later archeologists are now agreed that these buildings cannot antedate the twelfth century, and could not, therefore, have been founded in the time of the good queen.

Perhaps the most valuable pieces of evidence which have come down to us in regard to Bertha, are two seals appended to documents of the time. In one she is represented as sitting, in the other as standing, but in both she is clad in the tunic and mantle of the tenth century, and holds in one hand a sceptre, in the other the Gospels. A crown rests upon her head, while around her image we read the legend: "*Berta Dei Gracia Humilis Regina*," Bertha, by the Grace of God, the Humble Queen — as evidence at once of her divine right to rule, and also of her humble disposition.

The exact date of Bertha's death is not known. It was probably about the year 970.

In 1817 a stone sarcophagus was discovered under the tower of the Abbey Church, containing the bones of a woman, and under the choir two skeletons of males. The authorities of the Canton of Vaud came to the conclusion that they must be the remains of Queen Bertha, of King Rudolf II., and their son Conrad. They were, therefore, removed to the parish church, where they now lie, covered with a suitable inscription. A curious saddle is shown to travelers at Payerne, purporting

to be that of Bertha; it has even a place to hold the distaff which always accompanied the good Queen on horseback. But archeologists have now recognized the pretended saddle to be merely an instrument of torture of much later date than the tenth century. After all, Bertha's principal memorial is the grateful memory in which she has been held by succeeding generations, and the singular tenacity with which tradition and popular songs have kept her image before the people of French Switzerland for nigh upon a thousand years.

When her son Conrad assumed the control of government, the German influences which had crept in during his minority, and had been strengthened by Adelaide's marriage to Otto of Germany, made themselves daily more conspicuous. The Kingdom of Burgundy began to decline as an independent power. His successor Rudolf III., surnamed the Lazy, lacked the requisite strength either to resist the advance of Germany or to hold in check the ambitions of the feudal nobles in his country. In despair he turned to the church for support, dispensing his estates with careless lavishness upon the prelates and the ecclesiastical institutions of his realm, until he became so much impoverished that he was glad to receive the alms collected in the churches. In 1016 he finally abdicated in favor of Henry II. of Germany, but the latter left him in nominal authority upon the request of the Burgundian nobles. It was Henry's successor, Conrad II., who in 1032 defeated Odo, Count of Champagne, leader of the Burgundian nobles, in a battle at Morat, and was then crowned King of Burgundy at Payerne, so that the Kingdom was at length united to the German Empire after having enjoyed more than a hundred and forty years of more or less precarious independence.

While these events were taking place in Burgundy with the result of bringing that country into subjection to the German Empire, very different ones in Alamannia were leading to the same issue.

The weak reign of Ludwig the Child had there also been the signal for an independent movement. Burkhard, Margrave

of Curraetia was the first to make a disastrous attempt to revive the Duchy of Alamannia, but he was executed before he could accomplish his purpose, mainly through the opposition of Solomon, the crafty bishop of Constance and Abbot of St. Gallen. This unfortunate rebellion was followed by another, equally tragic, the one of Erchanger and Berchtold, two brothers who were probably descendants of the ancient ducal family of Alamannia. They, too, succumbed to Solomon, and were executed. Nothing daunted, the son of Burkhard boldly proclaimed his right to the title of Duke, was hailed by the people as such, and eventually confirmed in his position by the German emperor himself. It was this Burkhard who defeated Rudolf II., of Burgundy, at Winterthur, and later gave him his daughter Bertha in marriage, the good queen whose acts we have just been rehearsing. In this manner Bertha, Alamannian by birth and Burgundian by connection, in a sense typifies the struggle for independence at that time in the whole of what is now Switzerland, and her name may well be placed at the head of the chapter devoted to this period. Burkhard II. died childless, though when somewhat advanced in years, he had married a daughter of the Duke of Bavaria, the Hedwig whose career was so intimately associated with St. Gallen. Hedwig seems to have retained the title of Duchess after her husband's death, but the authority conferred by the position passed into the hands of a court favorite. Indeed the succession thereafter devolved upon men who were either related to the German emperors, or at least subservient to their dictation. Alamannia was definitely incorporated into the great empire.

CHAPTER VI.

THE HOUSE OF ZAERINGEN.

WITH the extraordinary development of the feudal system and the growing impotence of the imperial authority, which followed the downfall of the Carolingian family, a great number of noblemen rose to practical independence upon what was later to become Swiss soil. Although the whole country remained under the supreme rule of the German kings and emperors, still their rule was seldom, if ever, felt by those who chose to disregard it. During the twelfth and thirteenth centuries four great families in succession exerted a predominating influence, Zaeringen, Kiburg, Savoy and Habsburg. Each in turn held the balance of power, each attempted to establish an enduring dominion in Switzerland, and all failed utterly to accomplish their object. Zaeringen and Kiburg became extinct, while Savoy and Habsburg were forced to evacuate the ground. Of the two latter houses, the first now sits on the throne of a united and progressive Italy, the second reigns over the dual monarchy of Austria-Hungary, and the scene of their first successes is the free state of the Swiss Confederation.

It was during that all-embracing struggle between Henry IV. and Pope Gregory VII. (Hildebrand), which broke over Europe in 1077, that the house of Zaeringen first gave unmistakable signs of its power. No one could remain neutral in the general war kindled by this quarrel about the right of investiture. The strife penetrated into the remotest valleys of the Alps, where it arrayed the partisans of the King and the Pope against each other, and caused them to fight with as much

spirit as did the men in the lowlands, who were nearer the great seats of conflict. When the excitement had temporarily subsided at the death of Rudolf of Rheinfelden, the papal anti-king, and the masses, which had been involved, were once more able to readjust themselves, it was found that the house of Zaeringen had materially strengthened its position in Alamannia and Burgundy.

During the minority of Henry IV., his mother Agnes had granted the Duchy of Alamannia to her favorite, Rudolf of Rheinfelden. But when later this Rudolf became the leader of the party of the Pope, Henry appointed Frederic of Hohenstaufen in his place. After the extinction of the family of Rheinfelden in 1090, Berchtold II., Duke of Zaeringen, laid claim to Alamannia. A compromise was finally reached in 1097 by which the family of Hohenstaufen retained the title and Duchy, with the exception of the town and estates of Zürich, which fell to Zaeringen. For the future, however, the rule of Hohenstaufen on the south of the Rhine was purely nominal, the Dukes of Zaeringen more and more absorbed the rights and privileges of what is now German Switzerland. In 1127 the office of Governor, or Rector, over Burgundy was awarded to them by King Lothar. The Dukes of Zaeringen thereby acquired the balance of power in the territory extending from the Rhine to the Lake of Geneva, and virtually became the masters of what is to-day the Swiss Confederation. The efforts which they made to maintain themselves, with all the results this entailed, constitute the history of Switzerland for the century during which they flourished.

From modest beginnings, as simple freemen living at Villingen near Freiburg in Baden, the family had succeeded in adding one estate to another, until two brilliant marriages had brought them into the forefront of the nobility. The ancestral castle of Zaeringen, now in ruins, may still be seen at the village of that name not far from Freiburg. Once in possession of the balance of power in Southern Alamannia and Burgundy the Dukes found themselves confronted by the

difficult problem of preserving their position from the attacks of jealous rivals. They inaugurated a system of defence which was destined to exert a far-reaching influence upon the future of the country. Selecting a number of villages situated in positions of strategic importance, they fortified them with walls and converted them into cities with chartered privileges. An ancestor, Berchtold II., had founded Freiburg in Baden, after the model of Cologne, and his descendant Berchtold IV., now in 1176, or 1178, enlarged a small settlement on the banks of the Sarine into the city of Fribourg. Either he or his son, Berchtold V., also fortified such towns as Burgdorf, Morat and Thun. The culmination of this process of building cities was reached in the founding of Bern by Berchtold V. in 1191. He was induced to take this step in order to complete his line of defence Fribourg-Burgdorf, by placing a garrisoned stronghold about midway between the two. He had just put down a rising of Burgundian nobles near Avenches or Payerne, and had gained a decisive victory in the valley of Grindelwald, when he erected his new fortress upon a high sandstone peninsula formed by the winding river Aar.

The derivation of the name of Bern has given rise to considerable speculation. The Bernese chronicler, Justinger, writing in 1420, gives the following explanation, so characteristic of his age: "And since much game ran in that oak forest [on the site of the future city], Berchtold told his councillors that he would name the city after the first beast caught in the forest. Now the first to be caught was a bear, therefore the city was called Bern."[1] It is certainly curious, if nothing more, that this animal is represented on the city coat-of-arms as soon after the year of founding as 1224. Dierauer, in his "Geschichte der Schweizerischen Eidgenossenschaft," mentions a family "de Berno" from Rottweil in modern Württemberg, who were supposed to have been in the service of the Duke of Zaeringen.[2] But the most reasonable explanation of the name,

[1] Dändliker, Geschichte der Schweiz. Vol. I, p. 633.

[2] Vol. I, p. 61.

and one which is now generally accepted, is that Bern is simply the German form of the Italian Verona. The Margraviate of Verona was at one time in the possession of the family of Zaeringen, and the founder may have had this fact in mind when he named his new city. An example of exactly the same change from Verona to Bern is furnished by the name of Theodoric the Great, King of the Ostrogoths, who, because he sometimes resided at Verona, is known in the German hero romances as Dietrich von Bern.

In 1218 Berchtold V. died childless, presumably at his ancestral castle of Zaeringen, leaving his possessions to be divided amongst a crowd of eager relatives.

The Swiss people have reason to remember the house of Zaeringen with gratitude for having laid the foundations of so many of their important cities. Nor must it be forgotten that the extinction of the house of Zaeringen came most opportunely, for it is entirely within the range of possibility, that, otherwise, the state they had erected, might have become a principality, or even a monarchy, as enduring as any of those which surround Switzerland to-day.

CHAPTER VII.

THE HOUSE OF SAVOY.

THE mantle of Zaeringen seemed for a time to have fallen upon the Counts of Kiburg, a family of somewhat uncertain origin which had risen to great power in and about the Thurgau. One of their castles may still be seen near Winterthur, the old Kiburg, as it is called, now a pleasant, restored château, and another is the splendid castle which towers over the little town of Thun. They inherited all the possessions of Berchtold V. of Zaeringen, except those which he had held in fief from the empire. Under a certain Count Hartmann, the Elder, and his nephew Hartmann, the Younger, Kiburg reached the apex of its prosperity; but these two men both died without issue in 1263–64, and left Savoy and Habsburg to quarrel over their vast estates.

At this time Count Peter of Savoy, surnamed Charlemagne the Little, had conquered for himself the undisputed control of what is to-day French Switzerland. He was nearing the close of a career marked by extraordinary success, and his personality deserves in a measure to stand as one typical of the chivalry of his time.

Peter's father, Thomas of Savoy, had sprung from the obscure family of Maurienne, but had taken the first steps toward obtaining a foothold on the northern shore of the Lake of Geneva. Peter continued these efforts by contracting an advantageous marriage with the heiress of Faucigny, then by erecting strongholds at points of strategic importance, and finally by embarking in open warfare against the multitude of more or less independent lordlings, who ruled over the country.

His niece, Eleonora, became the wife of Henry III., King of England, so that he also became intimately associated with that country. It is related that on the occasion of his first visit to London, he was received amid festivities at Westminster Abbey, and created Duke of Richmond with the revenues of many castles and manors. His brother Boniface was actually appointed archbishop of Canterbury and primate of all England. Peter became a sort of general personal advisor to the King during his visit of about a year and a half.

On his return to Savoy, he began to subjugate the Valais, and then turned his attention more particularly to the land of Vaud; in fact, it is in connection with the conquest of this latter region that his name is especially known in history. In the course of some twenty years Peter gradually absorbed one feudal estate after the other, until he was master of the lands lying in the Lower Rhone valley, and in Vaud almost as far north as the river Aar. The intervals of active conquest were spent at the Court of England. Picturesque details of his career are furnished by that highly imaginative, but not always reliable, work the "Chronicle of Savoy." His address was so persuasive that he was often asked to act as mediator between England and France, and doubtless his services were well rewarded, for we find him building a palace on ground given him by Henry III. It stood on the Strand near the modern Waterloo Bridge. Indeed, wherever the name Savoy occurs in London, it is in memory of this Count Peter, Queen Eleonora's uncle.

After Henry's defeat at Lewes, Peter made a great effort to come to the aid of his kinsman. He equipped a fleet in Flanders, and raised an army in the Alps; but the fleet was scattered by adverse winds, like many another which has been sent against England, and his army was needed elsewhere, for Peter suddenly received alarming news from the land of Vaud. During his absence Count Rudolf of Habsburg, in his character of heir to the extinct house of Kiburg, had advanced into the country in order to receive the homage of his subjects, and,

if possible, to add to his possessions. There was a battle at Chillon, one of Savoy's principal strongholds, which resulted in favor of Peter. It appears that Rudolf's forces lay encamped before Chillon under the leadership of a Duke of Cophingen. Peter, coming down the Valais, left his army at Villeneuve, penetrated with two others by might into the castle, mounted the tower, saw the enemy lying about in disorder, and returned by boat to Villeneuve. Says the chronicle of Savoy: "He went back in good spirits. When they saw him so gay — 'What news?' they asked. 'Good news,' he answered, 'for if God be with us and you behave like men, the enemy is ours.' At which they all cried with one accord 'Sir, you have but to command.' They armed themselves, then fully equipped and in good order, mounted their steeds, rounded the pass of Chillon without blowing of trumpets, and fell upon the tents and quarters of the Duke of Cophingen. They had good luck, for they found him and his men unarmed, half awake and half asleep." There followed a treaty which served to determine the respective spheres of action of these two ambitious noblemen. A few months later in 1268 Count Peter died on his way home from a trip to Italy.

His brother Philip succeeded to the title, a man who did not possess the requisite enterprise to carry on the schemes of the indefatigable conqueror of the land of Vaud. The house of Savoy lost prestige and power throughout the territory which is now French Switzerland. The property in England was left to Queen Eleonora, except the palace in London, which, strangely enough, went as an endowment for the hospice on the Great St. Bernard, already at that date doing its beneficent work.

CHAPTER VIII.

THE HOUSE OF HABSBURG.

NOT far from Brugg in the present Canton of Aargau, upon a hill which goes by the name of the Wülpelsberg, stands a massive tower with an adjoining dwelling. This partial ruin is the ancestral castle of the house of Habsburg, now rented to a farmer by the Cantonal authorities. Near by, on the tongue of land made by the confluence of the rivers Aar and Reuss, archeologists have discovered traces of an older seat, the Altenburg, but in the eleventh century the family appear to have moved to the castle on the hill. A pretty legend was devised in after years to explain the name of Habsburg. It relates that a certain ancestor, while hunting in these parts, lost his hawk (*Habicht*), and at last found it on the Wülpelsberg. He was struck with the beauty of the view, built a castle, and called it *Habichts*burg or Habsburg.

The most valuable documentary information is derived from the archives of the Abbey of Muri, which was founded by the family in 1027. Besides extensive possessions in the Aargau itself, Habsburg seems to have early acquired additional ones in Elsass and the Breisgau. The first direct ancestor of the great Rudolf, of whom we have definite knowledge, was a Count Wernher II. living in the year 1135. He was followed by a Count Adelbert, who placed the family in the forefront of the younger nobility by a fortunate marriage, and also inherited a share of the possessions which the house of Lenzburg had left upon becoming extinct. The significance of this last acquisition becomes evident when we find that the estates in question were situated mainly in the present Cantons of

Luzern, Schwiz and Unterwalden, where the revolt originated which was destined to pave the way for the founding of the Swiss Confederation. Before Adelbert died he was also created Count of the Zürichgau by Frederic Barbarossa. His successor was Rudolf, surnamed the Old, who dying in 1232, left two sons to divide the inheritance between them, Albrecht, the Wise, and Rudolf, surnamed the Taciturn. These sons gave rise to two lines; Albrecht to that known later as Habsburg-Austria, and Rudolf to Habsburg-Laufenburg. Elsass alone, with perhaps the Zürichgau, were administered conjointly by the two. When Albrecht died in the Crusades, in 1239 or 1240, his share came by degrees into the hands of his eldest son, Count Rudolf III., better known in history as Rudolf I., king and emperor of Germany.

Rudolf made his first impression on public affairs during the renewal of hostilities between the empire and the papal chair, which burst forth in 1239 under Frederic II. He followed the traditions of his father in remaining a loyal adherent of the Hohenstauffen family. It was only when Frederic had died that Rudolf reconciled himself to the church.

But, in the meantime, the emperor's death was succeeded by an interregnum of twenty-three years, from 1250–1273, the famous epoch of demoralization, commonly known as that of *Faustrecht*, or Club law, which saw the robber-knights flourish as never before. Every man's hand was against his neighbor. Every noble, from the prince to the lordling, was striving to widen his influence by any means at his disposal. It was also the time for the weak to unite in leagues and build walls, in order to defend themselves against arbitrary aggression. Hence this period of confusion, which was so favorable to the power of ambitious noblemen, was equally conducive to the formation of peasant and burgher leagues. For, with all its outward splendor the age of knighthood was but a sorry one for the great mass of population in Europe. We, who are more familiar in literature with the brighter aspects of Chivalry, can with difficulty form a just conception of the actual

condition of the serfs or even the so-called freemen. Life certainly was not a mere succession of public shows and manly encounters, tinged throughout with a beautiful, though impossible, devotion to the ideals of knighthood and love. The sordid cares, the innumerable injustices, which, taken separately, seem trivial, but in the aggregate are mountain high; the base wrongs, daily perpetrated in the name of custom, and the unholy denial of man's most ordinary rights — these details of every-day life in the Age of Chivalry are not recorded, or have been subordinated to the picturesque and the romantic. It would be more accurate to say that vast multitudes were lying in a wretchedness akin to despair; that the feudal state no longer had any respect for the old-fashioned word freeman, but knew only princes and slaves.

Thrown upon their own resources during the perils of the interregnum, the people founded a number of leagues throughout the empire. They were not apparently actuated by the dream of creating free states, but by the instinct of self-preservation, and in the retrospect this season of unrest, terrible as it was in many respects, is seen to have given them a veritable schooling in the art of self-government. It was during this period, for instance, that the secluded peasant communities of Uri, Schwiz and Unterwalden, deprived of the support from the imperial crown, to which they were entitled, learnt the lesson of organization, of mutual help, and in a word of union. They were receiving an inestimable political education from the very perils which surrounded them, as we shall see in detail later on.

Nor was Rudolf of Habsburg slow in taking advantage of the unsettled state of affairs to enrich himself at the expense of his neighbors. He had inherited almost the whole of the vast possessions left by the extinct house of Kiburg, which added to his own estates, gave him practical control of what is now German Switzerland. He took special pains to be on good terms with the rising free cities, like Zürich, in order to make sure of their help in time of trouble. At the same time he

was indefatigable in enterprises destined to enlarge his private possessions. He was, in fact, engaged in besieging the city of Basel, having become involved in a quarrel with the bishop of that place, when suddenly the extraordinary news was communicated to him that he had been elected King of Germany by an assembly convened at Frankfurt. Hastily concluding peace with Basel, he hastened to assume the duties of his high office.

It does not fall within the province of this history to treat of the new king's actions as they affected Germany at large, but he displayed a certain general tendency during his reign which deserves to be especially noticed on account of the results which it entailed upon the history of the Swiss Confederation.

Rudolf of Habsburg surveyed the scene of his future activity with singular clearsightedness, took account of what he could do to unite the distracted empire, and, what is more, comprehended the limitations which had been set to his power. He knew well that the new kingdom, created by his election, was not the empire of Charlemagne; that he was king, not by the Grace of God, but by the good will of the electing princes; and that the time might come when he, or his descendants, would be obliged to yield the throne to another family. He did not, therefore, stop the efforts which he was making to build up a private fortune and to establish a great principality, but in his new position rather redoubled his exertions.

All the conditions seemed favorable for the creation of a great Habsburg power in the Swiss Alps. How came it that Rudolf and his descendants, having once acquired so firm a foothold, and having, moreover, obtained the vantage ground of the German throne itself, were worsted by the rude peasants of the mountains?

The answer to this question brings us to the threshold of the real history of Switzerland.

That which has gone before — the Helvetian era, the Roman occupation, the Alamannian and Burgundian settle-

ments, the supremacy of the Franks, the incorporation of the whole into the German Empire, and the rise of independent nobles — all this is but the prologue to the great drama which now unfolds itself.

BOOK II.

THE CONFEDERATION OF EIGHT STATES.

CHAPTER I.

THE ORIGIN OF THE SWISS CONFEDERATION.

THERE is no period in all history so generally misunderstood as that which marks the origin of the Swiss Confederation; partly on account of the scarcity of authentic, contemporary documents, but principally on account of the false versions which unscrupulous chroniclers have handed down to us. In fact, so great is this want of records, and so confusing are the traditions, that the dawn of Swiss history is probably doomed to remain shrouded in a certain amount of obscurity.

The comprehensive view which is obtained from the various peaks of the Rigi affords the best possible introduction to the study of this difficult period. Almost every spot celebrated in the annals of the early Confederation, or hallowed by its traditions, is visible from that height; and when not actually visible, can be readily located with the help of a map.

There, on the banks of the Lake of Luzern, the national life of the Swiss people had its origin. They have reason to feel proud of such a birthplace, for this sheet of water, blue and green by turns, like all the Swiss lakes, lies on the northern side of the great Alps, imbedded like a fair jewel in the setting of the lesser heights. Three principal valleys empty their torrents into its winding arms, and velvet slopes stretch from the water up the mountain-sides, to where the firs stand sentinel over summer pastures. In the background the distant snow lends the whole a tone of magnificent tranquility.

Amid such surroundings the commonwealths of Uri, Schwiz and Unterwalden grew from infancy to maturity by the slow process which characterized the rise of all free communities in

the Middle Ages. They had not existed from time immemorial, nor had they suddenly sprung into existence. They followed the general law of nature, which is growth. Nor did they at first occupy exceptional positions within the German empire, for the same conditions are found to have existed elsewhere. In a word, they acquired the first degree of liberty, the privilege of immediate dependence upon the empire (*Reichsunmittelbarkeit*), by the same steps as some of their neighbors, and their final, collective independence was not very different from that of the leagues of the Hanseatic, Lombard, Rhine, and Swabian cities, except that it was more enduring.

In time Uri, Schwiz and Unterwalden assumed many of the features of ideal democracies. Supremely simple, pastoral and secluded in their Alpine fastnesses, they seem in the retrospect to have been veritable idylls, more perfect than poet or philosopher ever imagined. And, if a closer acquaintance with the history serves to dispel many illusions, enough remains to attract our attention and arouse our enthusiasm.

It is doubtful, however, whether such states are possible under present industrial conditions in populous districts. In certain highlying and sequestered regions of Switzerland, especially near the Lake of Luzern the conditions have for ages been particularly favorable. There the existence of man is one of ceaseless toil, his wants are few and his pleasures simple. The continual conflict which he is forced to wage against the elements, makes him hardy in mind and body, and teaches him to rely upon himself, as well as to value the co-operation of his neighbor. The uniformity of his life develops his sense of equality, and strengthens his conservatism. In regions thus remote from the great centres, where the din of a restless world arrives far-spent, and loses itself amid the hush that rests upon the mountains, where life runs on placidly and unchanged, there only can we conceive of a state enduring from century to century in such archaic simplicity.

Uri, Schwiz and Unterwalden, known collectively as the

three Forest States, on account of the primeval forests which originally covered them, appear for the first time in history during the seventh and eighth centuries. There are no traces of lake dwellings within their territory, the nearest being at Zug. On the Roman charts there is nothing but a blank for the whole region. When the Alamanni came, the land passed into their hands and formed part of the Duchy of Alamannia. Under the supremacy of the Franks, and after the fall of the ducal house, it belonged first to the Thurgau, and when that county was divided, to the Zürichgau to be administered by the count of the district.

There is no longer any doubt that the original colonists were Alamanni, in spite of the reasons given by Muralt[1] in his documentary history for believing that they were Swedes and Friesians. The false account of a Swedish immigration into those parts, which is to be found in the chronicles of the fifteenth and sixteenth centuries, seems to repose upon a misconception. A wrong interpretation was laid upon the resemblance between the Latin forms of the names given to the inhabitants of Schwiz and of Sweden — *Schwidones* and *Schwedones* — and much was made of the conviction amongst the people themselves that their ancestors had come from the North. The similarity between the names is simply a coincidence, while the tradition of a Northern descent is explained as a long cherished remembrance of the Alamannian invasion of Helvetia. While we are not warranted in fixing with any precision the date when the first colonization took place, it seems beyond question that the Forest States, although they are the oldest members of the Confederation, were the last to become populated. As the plains became more and more thickly settled, pioneers, adventurous spirits, moved up into the then savage country that skirts the lake, pushed into the forests, and made clearings. This colonization was accomplished in three different ways: by freemen who occupied and tilled their own land, by bondmen sent out from ecclesiastical institutions, or by

[1] Muralt, E. Schweizergeschichte. p. 122.

bondmen in the employment of secular nobles. The two latter classes paid rent to their ecclesiastical or lay landlords, the former paid taxes to the Count only. In Uri, moreover, the sovereign himself had estates, known as crown lands, which played a most important part in the history of that district. Thus it happened that the very manner of colonization produced a diversity of conditions amongst the inhabitants. Schwiz was settled principally by freemen, while the majority of the inhabitants of Uri and Unterwalden were in the condition of servitude either to spiritual or temporal lords.

As the origin of the three Forest States was different, so also was their growth into sovereign democracies, each acquiring the *Reichsunmittelbarkeit* separately, and at different times.

It will, therefore, be necessary to examine them individually, to trace their respective histories apart from one another, in order more fully to comprehend the scope and purport of the perpetual league in which they united toward the close of the thirteenth century.

CHAPTER II.

URI.

THE derivation of the name of this state is still to be determined. The most common explanation is that it is from the root *ur*, signifying the Auerochs, or wild bull, an animal now long extinct. Certain it is that the head of a bull has figured on the Cantonal seal since the year 1243.

The name Uri occurs for the first time in the Latin chronicle of a certain Hermann, a monk of the Abbey of Reichenau, dated 732. He says: "Eto, our abbot, was banished to Uri [*in Uraniam*] by Theobald [a Duke of Alamannia]."[1] In 853 Ludwig, the German, founded the Abbey of Nuns (*Fraumünster*) in Zürich by enlarging an already existing convent dedicated to the martyrs Felix and Regula. He placed his daughter Hildigard over it as abbess, and in the deed of founding he transferred to the Abbey, amongst other property, the crown-lands which he possessed in Uri. That part of the deed which refers to Uri, reads as follows in the translation from the Latin: "Be it known that we give completely and unreservedly, . . . the little land of Uri (*pagellum uroniae*) with its churches, houses and such other buildings as are upon it, the serfs of both sexes and of every age, the lands cultivated and uncultivated, the forests, fields and pastures, the still and running waters, the roads, exits and entrances, whatever has been acquired or is yet to be acquired, with all the tithes and the various imposts . . . to our convent, situated in the . . . place (*vico*) Zürich, where the saints Felix and Regula, the Martyrs of Christ, rest in the body . . . ."[2] The last provision of this deed grants the privilege of immunity to the

[1] Rilliet, A. Les Origines de la Confédération Suisse. p. 339.

[2] Oechsli, W. Quellenbuch zur Schweizergeschichte. p. 20.

Abbey and its belongings in the following words: "Finally we command and decree that no public judge (*judex publicus*) or Count (*comes*) or any one with judicial powers (*quislibet ex judiciaria potestate*) presume in the aforesaid places, and in the affairs which appertain to them, to exercise jurisdiction (*distringere aut infestare*) over the men who dwell there, both free and bond, either by demanding pledges (*fideiussores tollendo*), or by exacting payments (*redibitiones*), whether in services or fines (*freda aut bannos*), or to use unjustified violence on any man, at any time. But that these things remain in perpetuity under our protection and guardianship with the bailiffs who are there established . . . ."

The lands, thus conveyed, did not comprise the whole of the modern Canton of Uri, but only those lying near Altdorf. The valley of Urseren still belonged to the Abbey of Dissentis, and large estates belonged to the Abbey of Wettingen, or to members of the lesser nobility, such as the Knights of Attinghausen, the ruins of whose castle may still be seen at the village of that name. There were besides small communities of freemen living in the Schächenthal, that charming valley which opens up behind the village of Altdorf.

This act, therefore, conferred the immunity only on a part of Uri, and this part was now withdrawn from the jurisdiction of the officials of the Zürichgau to be placed under the imperial bailiff (*Kastvogt*) of the Abbey of Nuns in Zürich. The duty of this bailiff was in general to represent the sovereign. He regulated the relations of the nunnery to the surrounding nobles and convents, and held court twice a year under the lime-tree of Altdorf, in order to adjust cases of importance in the presence of the subjects of the Abbey. There were besides special officials of the Abbey, Mayors (*Meier*) who, as its possessions grew, had their seats at Altdorf, Bürglen, Silenen, and Erstfeld, where their ruined towers can still be seen. It was their duty to collect the tithes and to try minor offences, according to the traditional usage of every locality.

It is evident, therefore, that the diversity of conditions

amongst the inhabitants of Uri was very great, but in one matter they were all equal; every man, from the Lake of Luzern to Göschenen, whether bond or free, was a member of the *Markgenossenschaft*, according to the ancient Alamannian custom. In this association they were united. The concentration into one undivided commonwealth was destined to take place under the shadow of the Abbey which enjoyed the imperial immunity. The fate of its subjects, known as *Regler* from their patron, Saint Regula, was so much envied by the subjects of other landowners, and even by the freemen, who were under the regular county officials, that they spared no effort to become themselves subjects of the nunnery, and thus partakers in the privileges of the immunity. In this manner the majority of the inhabitants gathered under the protection of the imperial bailiff. Finally, the last step in this process of unification was taken, when the whole valley was placed under this official, probably to obviate the inconvenience of having a part under the count and another under the bailiff. The latter office had just been transferred from the family of Lenzburg to that of Zaeringen 1172, when this change took place.

It speaks strongly for the fact that the people of Uri were beginning to act together as a political unit, when we find them treating collectively, as inhabitants of Uri, concerning new tithes with an officer of the Abbey, and arranging the boundary line on the Klausen Pass with the Kastvogt of Glarus. When in 1218 the family of Zaeringen died out, the Emperor Frederic II. made several changes in the Zürichgau. Amongst others he took the land of Uri from the jurisdiction of the imperial bailiff of the Zürich nunnery, without, however, affecting the tithes to be paid to that institution, and gave it in fief to Rudolf of Habsburg, surnamed the Old.

For a moment it seemed as though the process of emancipation in Uri had received a fatal check. The immunity was lost, and the country was in the power of an ambitious family. Indeed the case seemed hopeless, when one of those happy chances, which have often appeared in Swiss history, com-

pletely changed the aspect of affairs in Uri. In 1231 Frederic's son, Henry (VII), recalled this grant, probably in answer to the prayers of the men of Uri, and issued a charter to them (*universis hominibus in valle Uraniae*) in which he freed them from the power of Habsburg. The Latin original of this document is lost, but it was copied by Tschudi and reads as follows, without the greeting and signature: "In the desire always to do that which shall serve your interest and welfare, we have hereby bought you and set you free from the possession of Count Rudolf of Habsburg and promise that we will never put you away from us, either by feoffment or by mortgage (*per concessionem seu per obligationem*), but will always keep you and shield you in our service and in that of the empire. Therefore we exhort your community (*universitatem vestram*) most sincerely that you believe and do in regard to the requisition and payment of our taxes, whatsoever our faithful Arnold of Baden (*de Aquis*) may tell you, and bid you do from me, in order that we may praise your ready fidelity, because with the assent of our council we have considered it good to send him to you . . . ."[1]

Thus the immunity was saved. The charter was carefully preserved amongst the archives, and Uri had taken a long step on the road which led to complete independence. During the interregnum which immediately preceded the election of Rudolf of Habsburg to the throne, the inhabitants called upon him to act as arbitrator in a quarrel between two of their families, but it is not known that an imperial bailiff (*Reichsvogt*) was appointed to govern the country, indeed the sovereign himself seems to have treated on several occasions directly with the head of the community, the Ammann (*Amtmann*) or minister, whom he appointed from their midst. We hear of the commonwealth levying taxes in 1243, possessing a seal with the inscription *S. Vallis Uranie* (later *S. Hominum Vallis Uranie*), and finally in 1291 changing the title of Ammann into the more comprehensive one of Landammann.

[1] Oechsli, W. Quellenbuch. p. 46.

Once more the immunity of Uri was confirmed, and that by Rudolf of Habsburg himself, for hardly had he become King when he promised "his loyal and good people" (*fideles egregii*) the maintenance and even the increase of their privileges (*libertates honores et jura*), in the heartiest and most unmistakable terms. Never after was the immunity of Uri seriously disputed.

CHAPTER III.

SCHWIZ.

IN the meantime Schwiz was pushing toward the same goal, but by a different road. Here it was the freemen who formed the majority of the inhabitants, and who took the lead in the work of emancipation.

The name of this district appears for the first time as *Suuites*, in a document dated 970, which deals with an exchange of land between the monasteries of Pfäffers and Einsiedeln. *Suuit* is apparently the name of a person, and *es* the genitive ending, but nothing is known of the meaning of this name.

In the beginning the designation of Schwiz was not applied to the whole territory which is now included in the Canton, but only to a region lying in the immediate vicinity of the villages of Schwiz and Morschach with the Muota valley. Even in this small area several convents held property, amongst others the powerful Abbey of Einsiedeln, which enjoyed the privilege of the immunity. Two estates belonged first to Lenzburg, then to Habsburg. The greater part of the land, however, was in the hands of free peasants, paying the Count of the Zürichgau a tax of sixty marks (equal to about 15,000 francs in modern money), but possessing a separate court of justice, *Freigericht*, which was chosen from their midst, and was presided over by an Ammann, selected by them and the Count conjointly. As in Uri, so here, the whole population, bond and free, were united in a vigorous *Markgenossenschaft*.

The name of Schwiz was first brought into history by the

[1] Rilliet, A. Origines. p. 343.

famous dispute of this Association of the Mark, with the monks of Einsiedeln concerning certain forests and Alpine pastures, lying on the confines of their respective territories. The men of Schwiz claimed them as part of their Almend, the monks maintained that they belonged to the lands deeded to the Abbey when it was founded. The strife ran on for many years; the two sides robbed, burned and plundered; every act led to retaliation, and the question seemed to defy all attempts at a satisfactory solution. The emperors Henry IV., in 1114, and Conrad III., in 1144, gave decisions unfavorable to Schwiz. In 1217 Count Rudolf I. of Habsburg, having been requested to arbitrate, rendered a verdict which was rather more favorable than had been the others. It brought about a temporary cessation of hostilities. In his written judgment on this subject Rudolf calls himself "rightful bailiff and protector of the people of Schwiz by inheritance" (*von rechter Erbschaft rechter Vöget und Schirmer der vorgenanden Lüten von Schwitz*),[1] a proof that the office of bailiff had already lost its original signification, for this official had heretofore regularly been appointed by the crown. This right Rudolf based upon having inherited the estates of Lenzburg and upon his position as Count of the Zürichgau. At the division of the Habsburg inheritance in 1232, Schwiz fell to his son Rudolf II., the founder of the line Habsburg-Laufenburg, under whose rule the liberties of the people seemed for the first time seriously to suffer. Therefore, emboldened by the success of Uri in obtaining a charter from King Henry, the men of Schwiz sent messengers to Frederic II. as he lay besieging Faënza in Northern Italy, to beseech his protection. The mission arrived just at the right moment, when the relations between the emperor and Count Rudolf were not of the best. Frederic issued a charter to "all the inhabitants of the valley of Swites" (*universis hominibus vallis in Swites*), in which he conferred upon them the imperial immunity. The original of this much prized document, dated 1240, the oldest of the Swiss charters

[1] Rilliet, A. Origines. pp. 403–404.

now extant, is religiously preserved in the archives of the Canton, and reads: "Having received letters and messengers from you to prove and make known your conversion and submission to us, we accede to your express desire with gracious and affectionate good will; we praise your submission and loyalty not a little in that you have shown the zeal, which you have always had for us and the empire, by taking protection under our wings and those of the empire, as you are bound to do, being freemen (*tamquam hommes liberi*), who must turn to us and to the empire alone. Since, therefore, you have chosen our rule and that of the empire of your own free will, we receive your loyalty with open arms, and respond to your sincere affection with our single-minded favor and good-will, by taking you under our special protection and that of the empire, so that we will never allow you to be alienated or withdrawn from our sovereign rule and that of the empire. . . . ."[1]

This assurance, though expressed in the heartiest terms, was not explicit enough to be altogether effective. At all events Rudolf of Habsburg remained at his post, and no imperial bailiff was sent to take his place. It was then that the men of Schwiz resorted to arms, and made common cause against the house of Habsburg with the men of Unterwalden (first Obwalden and then Nidwalden), and with the burghers of Luzern. They concluded, about the year 1245, the first Swiss league of which we have any knowledge. This act was consummated just at the time of the struggle between Frederic II. and the papacy, and the young league boldly joined forces with the king against the papal party, to which Count Rudolf belonged.

When, however, the emperor Frederic died, excommunicated and deposed, their humiliation quickly followed. This deplorable result was hastened by another circumstance. During the very heat of the conflict, in 1247, Count Rudolf had prevailed upon the Pope to issue a bull,[2] in which the Prior of the con-

[1] Oechsli, W. Quellenbuch. p. 47.

[2] Ibid. p. 48.

vent of Oelemberg in Elsass was empowered to set a time, within which the people of Subritz (*sic*) and Sarmon (Schwiz and Sarnen) as well as those of Luzern, if he could prove their complicity, were to renounce their allegiance to the deposed Frederic under pain of interdict, to return into the unity of the church, and to subject themselves to their lawful lord, the Count. About the same time the latter built the fortress of Neu-Habsburg on a promontory of the lake which separates the Bay of Luzern from that of Küssnacht — a far more effective mode of dealing with the rude mountaineers than the most threatening of papal bulls.

We know very little beyond these few facts concerning the course of this first revolt. It is not improbable, however, that a part of the traditions which the popular mind connects with the uprising after King Rudolf's death in 1291, had their origin in events which took place in 1245. In 1273 Schwiz passed from the possession of the line Habsburg-Laufenburg to Rudolf III., of Habsburg-Austria, a few days before his election to the throne of Germany.

Here was a sudden danger. A Habsburg on the throne! The men of Schwiz had every reason to fear that their aspirations toward independence would bring down upon them the wrath of the new sovereign, who in his exalted position would have many opportunities of frustrating their plans. Their apprehensions, however, were not exactly justified, for they virtually came into possession of the immunity, notwithstanding the fact that Rudolf refused to confirm the charter issued to them by the late Emperor Frederic.

Rudolf, the King, did not surrender his rights of Landgrave, but kept them well in hand throughout his reign. He did not appoint a bailiff, but collected the taxes in his own name, and selected the men who were to act as Ammänner for the freemen and for his two estates. Now, the curious result of this procedure was that Schwiz was thereby virtually governed directly by the sovereign himself, without the intervention of the county officials — in others words, Schwiz was placed in

immediate dependence upon the empire, and came into possession of the *Reichsunmittelbarkeit.*

In 1278 the revenues of Schwiz, along with those of the little town of Sempach and of several other places in the vicinity, were promised to Joan, daughter of Edward I., King of England, in the event of her marriage with Hartmann, Rudolf's son. By the revenues of Schwiz must be understood those from the two Habsburg estates, with perhaps the sixty marks previously mentioned as being the annual tax paid by the freemen to the Count of Zürichgau. This marriage, however, never took place. Young Hartmann was drowned in the Rhine, and Joan married the Earl of Gloucester some years later.[1]

In 1281 the revenues were mortgaged to Eberhard of Habsburg-Laufenburg, Rudolf's cousin, but the administration of the country remained in the hands of the sovereign.

Far from being dangerous to the liberties of Schwiz, as might have been expected, this reign proved in reality a blessing in disguise. Many new privileges were actually accorded. An act was issued which specified that the inhabitants need not obey summons to appear before any tribunal outside of the valley, but were answerable only to the king, his sons, or to the judge of the valley itself. In 1291 a document further declares that this judge shall never be a bondman. As early as 1281 the commonwealth was in possession of a seal, as symbol of its sovereignty, bearing the inscription: *S. Universitatis in Swites* around an image of St. Martin, the patron saint of the country.

The final unification of Schwiz into one community was accomplished when a single Landammann was appointed to take the place of the four Ammänner who had heretofore been chosen.

[1] Coolidge, W. A. B. The English Historical Review. Oct. 1886. pp. 738–739.

CHAPTER IV.

UNTERWALDEN.

THOUGH probably the first of the three Forest States to be colonized, Unterwalden was undoubtedly the last to become free. It will be seen upon the map that the modern Canton is divided into two natural sections by a range of mountains, extending back from the Stanzerhorn to the snow-clad peak of the Titlis. The fact that a great forest formerly covered part of this range caused the two valleys to be called respectively Obwalden (Above-the-Forest) and Nidwalden (Below-the-Forest). They were not named together Unterwalden (In-the-Midst-of-the-Forest) until a comparatively late date.

Here the struggle for independence was fraught with even greater difficulties than in Uri or Schwiz, for the land was owned by a multitude of different masters, and instead of one *Markgenossenschaft* for the whole country, there was one for every valley. As a consequence there was no basis for common action amongst the inhabitants, and the work of unification was much retarded.

Chief amongst the land-owners was the monastery of Engelberg, an institution of great antiquity situated at the foot of the Titlis. The monks of St. Ledger in Luzern also owned estates, as well as the Counts of Habsburg and certain members of the native nobility, such as the Knights of Winkelried. There was also a goodly sprinkling of free peasants, but they were slow to organize themselves into communities. The freemen of Stans and Sarnen seem to have made a beginning in the middle of the thirteenth century; at all events in 1291,

these two districts apparently possessed all the characteristics of full-grown commonwealths.

The administration of the country belonged mainly to the Count of the Zürichgau. When, therefore, in the thirteenth century the house of Habsburg came into possession of this office, and also acquired the stewardship (*Kastvogtei*) of all the monasteries owning land in the district, except Engelberg — Obwalden and Nidwalden came virtually under the complete control of Habsburg, the more so as the confusion of the period made it possible for the holders of such titles to exercise almost unlimited jurisdiction.

CHAPTER V.

THE FIRST PERPETUAL LEAGUE.

THE reader who has derived his ideas of the origin of the Swiss Confederation from Schiller's play of "William Tell," will doubtless feel disappointed at the picture here presented. Tradition would have us believe that the three states were from the very beginning independent commonwealths of freemen, leagued together from time immemorial, that they voluntarily submitted themselves to the German empire during the reign of Frederic II., and only revolted when King Albrecht of Habsburg sought to put an end to their liberties. This view is quite incompatible with contemporary evidence. Uri, Schwiz and Unterwalden were not originally independent states with fully developed republican forms of government; nor can there be a question of their having voluntarily submitted themselves to the empire, since they formed a part of it as early as we have any records. If modern research has proved anything beyond the shadow of a doubt, it is that the Forest States gained their freedom after the lapse of centuries of persistent toil, and not at one blow.

But what was the danger which prompted their final union? What the bond which held them together through all their trials and tribulations? Stated in the simplest terms it was the existence of a common enemy in the ambitious and not over-scrupulous house of Habsburg. Though these young communities had advanced thus far toward the attainment of autonomy, they were overshadowed by a power which threatened at any moment to engulf them. There was a natural, inevitable antagonism between the inhabitants of the Forest

States and the Counts of Habsburg, the former alert to defend their liberties, the latter to extend their stewardship into unquestioned dominion.

Since his accession to the throne Rudolf had extended his power in all directions. By reconciling himself to the church in an interview with Pope Gregory X., in the cathedral of Lausanne, he saved himself from an attack from the south. In 1278 he pacified the eastern boundaries of his realm by conquering his great rival, Ottocar, King of Bohemia, at the same time giving the lands thus obtained, Austria, Styria and Carinthia to his sons as imperial fiefs. In this manner the title of Duke of Austria became associated with the name of Habsburg.

Amongst his other exploits was a siege of the flourishing city of Bern, which had refused to pay imperial taxes. The citizens defended themselves bravely for almost a year, until the king's younger son, Rudolf, succeeded in enticing a large detachment into an ambush at the Schlosshalden. After this defeat Bern was obliged to yield to the sovereign's demands. In Alamannia he displayed the greatest ingenuity in finding pretexts for usurping lands and titles. He wrested an estate from the Abbot of St. Gallen, absorbed the possessions of the house of Rapperswil, acquired the office of Mayor over ecclesiastical property in Glarus for his sons, and just before his death took advantage of the financial straits, into which the Abbey of Murbach in Elsass had fallen, to purchase its scattered estates, which were situated partly in Luzern and in the Forest States. Nor did the stewardship (*Kastvogtei*) of the monastery of Einsiedeln and Pfaffers escape him.

Nothing can give one so good an idea of the extent of the family power of Habsburg on all sides of Uri, Schwiz and Unterwalden, as the roll of the estates, the so-called *Urbarbuch*, in which were recorded the lists of properties and offices with the revenues appertaining to them. An examination of this terrier, which was begun by Rudolf and finished by his son Albrecht, shows conclusively that the Forest States were sur-

rounded by a veritable cordon of Habsburg estates, and that nothing but a determined effort on their part could save them from becoming completely owned by that ambitious family.

Rudolf of Habsburg died on the 15th of July, 1291, and seventeen days after, on the 1st of August, the three Forest States concluded a perpetual league and signed what may be styled the first federal constitution of the Swiss Confederation.

The promptness with which this great act was consummated seems to suggest that the text of the perpetual pact had been drawn up previously and held in abeyance to be ratified after the King's death.

The Latin original parchment is preserved in the archives of Schwiz. In the following translation the words "Invocation" and "Preamble," and the numbers are inserted for the sake of clearness.

"(Invocation.) In the name of God — Amen. (Preamble.) Honor and the public weal are promoted when leagues are concluded for the proper establishment of quiet and peace. 1. Therefore, know all men, that the people of the valley of Uri, the democracy of the valley of Schwiz, and the community of the mountaineers of the Lower Valley (*homines vallis Vranie, Universitasque vallis de Switz ac communitas hominum intramontanorum vallis inferioris*), seeing the malice of the age, in order that they may better defend themselves and their own, and better preserve them in proper condition, have promised in good faith to assist each other with aid, with every counsel and every favor, with person and goods, within the valleys and without, with might and main, against one and all, who may inflict upon any one of them any violence, molestation or injury, or may plot any evil against their persons or goods. 2. And in every case each community has promised to succour the other when necessary, at its own expense, as far as needed in order to withstand the attacks of evil-doers, and to avenge injuries; to this end they have sworn a bodily oath to keep this without guile, and to renew by these presents the

ancient form of the league, [1] [also] confirmed by an oath. 3. Yet in such a manner that every man, according to his rank, shall obey and serve his overlord as it behooves him.

4. We have also promised, decreed and ordered in common council and by unanimous consent, that we will accept or receive no judge in the aforesaid valleys, who shall have obtained his office for any price, or for money in any way whatever, or one who shall not be a native or a resident with us.

5. But if dissension shall arise between any of the confederates, the most prudent amongst the confederates shall come forth to settle the difficulty between the parties, as shall seem right to them; and whichever party rejects their verdict shall be an adversary to the other confederates.

6. Furthermore as has been established between them that he who deliberately kills another without provocation, shall, if caught, lose his life, as his wicked guilt requires, unless he be able to prove his innocence of said crime; and if perchance he escape, let him never return. Concealers and defenders of said criminal shall be banished from the valleys, until they be expressly recalled by the confederates.

7. But if any one of the confederates, by day, or in the silence of the night, shall maliciously injure another by fire, he shall never be considered a compatriot. 8. If any man protect and defend the said criminal, he shall render satisfaction to the injured person. 9. Furthermore, if any one of the confederates shall spoil another of his goods, or injure him in any way, the goods of the guilty one, if recovered within the valleys, shall be seized in order to pay damages to the injured person, according to justice. 10. Furthermore, no man shall seize another's goods for debt, unless he be evidently his debtor or surety, and this shall only be done with the special permission of his judge. Moreover, every man shall obey his judge, and if necessary, must himself indicate the judge in the valley,

[1] Referring to some previously enacted league, whose provisions are not known.

before whom he ought properly to appear. 11. And if any one rebels against a verdict, and, in consequence of his obstinacy, any one of the confederates is injured, all the confederates are bound to compel the contumacious person to give satisfaction.

12. But if war or discord arise amongst any of the confederates and one party of the disputants refuse to accept justice or satisfaction, the confederates are bound to defend the other party.

13. The above-written statutes, decreed for the commonweal and health, shall endure forever, God willing. In testitimony of which, at the request of the aforesaid parties, the present instrument has been drawn up and confirmed with the seals of the aforesaid three communities and valleys.

Done Anno Domini M.CC.LXXXX. primo. in the beginning of the month of August."

A recent examination of the seals, attached to the document, shows that the third one, which has heretofore been taken to represent Nidwalden alone, is the same as that used in the fourteenth and fifteenth centuries for the whole of Unterwalden. The presumption seems to be justified, therefore, that Obwalden also joined the league of 1291.

On the whole the above agreement is just what would be suggested to men working entirely by experience and not upon any definite theory. It is neither complete nor altogether satisfactory, when viewed in the light of modern statecraft; but it served its purpose admirably, and showed the touch of what we call practical men. Indeed this first perpetual pact of the Forest States is distinctly a conservative utterance — a sort of compromise between a declaration of independence from the nobles, and an oath of allegiance to the feudal system itself, as befitting a people conscious of a grievance and yet unwilling to break with the past. The pact was enacted "for the proper establishment of quiet and peace." Moreover, the third provision expressly states that "every man, according to his rank, shall obey and serve his overlord, as it behooves him."

Here is direct evidence from the people of the Forest States themselves that they did not aspire as yet to be free in the sense in which the nineteenth century understands that term. As far as can be judged from the document itself, there was no intention of cutting adrift from all previous enactments to found a new state, although this was the actual result of the league. The struggle seems to have been directed more particularly against corrupt judges, as is shown by the emphatic declaration in regard to them. Especially noteworthy is the provision made for settling quarrels between the States by arbitration, a method which thereafter received wide application in the public affairs of the young Confederation.

History has recorded no words in which childlike faith in the justice of a cause and prophetic insight into its inevitable triumph have been better expressed than in the closing lines: "The above-written statutes, decreed for the commonweal and health, shall endure forever, God willing." Succeeding centuries have practically verified the naïve declaration of this group of unpretentious patriots, for the perpetual pact remained the fundamental statute-law of the growing Confederation for centuries, and was only superseded by enactments of a more modern date, when it had as a matter of fact died of old age.

The name of the place where this historic document was signed is not revealed in the text, but in any case it must have been somewhere in the incomparable environment of the Lake of Luzern. It is also to be regretted that the names of the signers have not been handed down to us. We can only speculate as to who those patriots were, but a fortunate circumstance has put us in possession of a list of men who, if they were not the actual signers of the first league, were at all events leading personages in two of the Forest States at the time under consideration.

A little more than two months after the conclusion of this league, Uri and Schwiz entered into a separate alliance for three years with Zürich,[1] and the names of their representatives

[1] Oechsli, W. Quellenbuch. p. 50.

are mentioned in the document then drawn up. For Uri there was the Landammann Arnold, Mayor of Silenen, besides Knight Werner von Attinghausen, Burkart, the late Landammann, and Conrad, Mayor of Erstfeld; and for Schwiz there was the Landammann Conrad Ab Iberg, Rudolf Stauffacher, and Conrad Hunn — representatives of all the classes in the community, from noblemen to the descendants of serfs.

The conclusion is legitimate that the above-mentioned men were typical leaders, and it is quite probable that they, or at least some of their number, were also the signers of the first perpetual league. If this be the case, we may infer that these early leagues were in reality the combined work of the common people and of the native aristocracy, co-operating in the great cause which lay so near their hearts.

Moreover, it is not too much to say that the patriots, whose names appear in the alliance with Zürich, with perhaps the addition of the unknown Landammann of Unterwalden, may be proclaimed the real founders of the Swiss Confederation.

CHAPTER VI.

THE LEGEND OF WILLIAM TELL.[1]

SOME years ago the announcement went abroad that the familiar story of William Tell was not historically true; that such a person never existed, or, if he did, could never have played the rôle ascribed to him as founder of the Swiss Confederation. It was discovered that when the methods of research which Niebuhr had used with so much skill to elucidate the origin of Rome were applied also to the early days of the Confederation, the episode of William Tell became a fireside tale, a bit of folk-lore; valuable from a literary standpoint, but without historical significance. Unfortunately, he had long been regarded as a universal household friend, a prime favorite with the children, and one who appealed also to their elders as a singularly picturesque representative of Liberty striving successfully against Tyranny. He had, moreover, called forth the best powers of at least one great poet, Schiller, and one famous musician, Rossini, so that his claim seemed to the world established beyond question by the sanction of genius. It was natural, therefore, that this adverse report should be received with incredulity and indignation. At first people preferred to cling to their belief in William Tell, rather than to sacrifice another illusion of their childhood to the all-devouring, investigating spirit of the age; the more so because they knew little or nothing about the history of Switzerland beyond this episode. But when the best authorities, one by one, declared themselves against the truth of the tradition, the conviction gradually gained ground that the old hero must be classified as a legendary personage.

[1] Appeared in "The Atlantic Monthly," November, 1890.

The truth is, there have always been a certain number of objectors to the accuracy of the tradition which based Swiss liberty upon the shot of a skillful archer, but their words have made no lasting impression upon the public mind. As early as the beginning of the sixteenth century, Joachim von Watt, the reformer of St. Gallen, better known under his Latinized name of Vadianus, had spoken of the subject in his Chronicle of the Abbots of the Monastery of St. Gallen: "Of these three lands" [meaning the present Cantons of Uri, Schwiz, and Unterwalden] "they tell strange things in regard to their age and origin. . . . I suspect that much is fabled, and some again, may not be likened to the truth."[1] In 1607, the writer, Francois Guilliman, of Fribourg, who added some new details to the story of William Tell in his history *De Rebus Helvetiorum*, makes this surprising confession in a letter to a friend: "After having maturely pondered the matter, I consider the whole thing a mere fable, especially as I have not yet been able to discover a writer or chronicler, more than a century old, who mentions it. All this seems to have been invented to nourish hatred against Austria. The people of Uri are not agreed amongst themselves in regard to the place where William Tell lived; they can give no information in regard to his family or his descendants." Again, in 1754, Voltaire said in his *Annales de l'Empire*, "*L'histoire de la pomme est bien suspecte*"; and in his *Essai sur les Mœurs*, "*Il semble qu'on ait cru devoir orner d'une fable le berceau de la liberté helvétique.*"[2] A momentary sensation was created in 1760 by a pamphlet entitled *Der Wilhelm Tell, Ein Dänisches Mährgen*, which was ordered publicly to be burned by the hangman of Canton Uri, so bitter had the controversy become. The author was a certain Uriel Freudenberger, pastor at Ligerz, on the Lake of Bienne, and his attack elicited a sharp retort from Felix Balthazar, of Luzern, a *Défense de Guillaume Tell*. Calm, however, was restored for a time by the authoritative

[1] Rilliet, A. Origines. p. 311.

[2] Ibid. pp. 312, 395.

declarations of two noted historians, Emmanuel von Haller and Johannes von Müller, in favor of the traditional hero, although von Müller, like Guilliman, privately acknowledged to a friend that he had serious doubts of the truth of what he wrote. Even Schiller, whose play appeared in 1804, was constrained to admit that in the tradition William Tell had really no part in founding the Confederation, and he was consequently obliged to resort to such expedients as his art suggested, in order to make his hero the central figure of the struggle against Austria.

The subject finally came up again when Joseph Eutych Kopp submitted it to a thorough investigation by searching the records of the three cantons, and publishing his results in his Urkunden zur Geschichte der Eidgenössischen Bünde (1835–1857), his Reichsgeschichte (1845–1858), and his Geschichtsblätter aus der Schweiz (1853.)

To understand the commotion produced in Switzerland by Kopp's *exposé* we must try to imagine what would be the result in the United States if George Washington were suddenly declared to be a legendary character. Every one sided for or against the truth of the tradition; no one could remain neutral; but from that day to this the impression has gradually forced itself upon the minds of all who have looked into the question that Kopp was in the main right, and that, whatever modifications new discoveries may make necessary in the sweeping judgment which that historian pronounced, William Tell can never again be looked upon as the founder of the Swiss Confederation.

Our confidence in the accuracy of the tradition is first shaken by the fact that the great archer is not mentioned by a single writer of the period in which he is supposed to have lived, or even the faintest allusion made to him in the records of that day. To begin with, therefore, we are warranted in doubting his historical importance, if he could be so completely ignored by his contemporaries. The battle of Morgarten, in 1315, was the baptismal day of the young confederation,

but none of the chroniclers who describe this event and the incidents attending it have a word to say of a William Tell, or of any one who could be mistaken for him. On the other hand, the whole tenor of these writings and of the documents of the period is opposed to the tradition. The impression we derive from them is that the Swiss gained their independence after a long-continued struggle, not by a sudden rising, and through the efforts of the whole people, not at the instigation of one man. In 1420, Konrad Justinger, of Bern, in writing the annals of his native city, touched upon the origin of the Confederation, but even he says nothing about William Tell; nor does Felix Hemmerlin, of Zürich, writing upon the same subject in 1450.

In fact, it is not till about 1477, more than a century and a half after William Tell was supposed to have lived, that we can find any reference to him. At that date an unknown poet brought out a ballad entitled, "Song of the Origin of the Confederation," in twenty-nine stanzas, nine of which seem from internal evidence to antedate 1474. The following translation of the four stanzas which bear upon the subject, the first to my knowledge which has appeared in English, has been made without any attempt at metrical correctness, the original being extremely rough and in dialect:

"Now listen well, dear sirs,
How the league at first arose,
Nor let yourselves be wearied;
How one from his own son
An apple from the head
Had with his hands to shoot.

"The bailiff spake to William Tell;
'Now look thee that thy skill fail not,
And hear my speech with care:
Hit thou it not at the first shot,
Forsooth it bodes thee little good,
And costeth thee thy life.'

"Then prayed he God both day and night
He might at first the apple hit;
It would provoke them much!

He had the luck, by the power of God,
That he with all his art
So skillfully could shoot.

"Hardly had he done the first shot,
An arrow did he put in his quiver:
'Had I shot down my child,
I had it in my mind —
I tell thee for the honest truth —
I would have shot thee also.'"[1]

Subsequent verses describe how an uproar ensues, in which Tell enumerates the evil deeds of the bailiffs. These are then expelled, and young and old unite in a loyal league. It will be noticed, however, that there is no mention of the name Gessler, of a hat set upon a pole, of the leap at the Tellsplatte, or of the murder of the bailiff at Küssnacht: these details appear in another version, dating from almost the same time.

Between 1467 and 1474, a notary at Sarnen, in the Canton of Unterwalden, transcribed a number of traditions in the form of a chronicle into a collection of documents, known as "The White Book," on account of the color of its parchment binding. Here the story of William Tell is told as follows, in a style of archaic simplicity which is not without a certain charm of its own: "Now it happened one day that the bailiff, Gessler, went to Ure [Canton Uri], and took it into his head and put up a pole under the lime-tree in Ure, and set up a hat upon the pole, and had a servant near it, and made a command whoever passed by there he should bow before the hat, as though the lord were there; and he who did it not, him he would punish and cause to repent heavily, and the servant was to watch and tell of such an one. Now there was there an honest man called Thall; he had also sworn with Stoupacher and his fellows [a reference to a conspiracy previously described in The White Book]. Now he went rather often to and fro before it. The servant who watched by the hat accused him to the lord. The lord went and had Thall sent, and asked him why he was not obedient to his bidding, and do as he was bidden. Thall

[1] Oechsli, W. Quellenbuch. pp. 63–64.

spake: 'It happened without malice, for I did not know that it would vex your Grace so highly; for were I witty, then were I called something else, and not the Tall' [the Fool, a pun upon his name[1]]. Now Tall was a good archer; he had also pretty children. These the lord sent for, and forced Tall with his servants that Tall must shoot an apple from the head of one of his children; for the lord set the apple upon the child's head. Now Tall saw well that he was mastered, and took an arrow and put it into his quiver; the other arrow he took in his hand, and stretched his crossbow, and prayed God that he might save his child, and shot the apple from the child's head. The lord liked this well, and asked him what he meant by it [that he had put an arrow in his quiver]. He answered him, and would gladly have said no more [an obscure passage; the original is *hett es gern jm besten ver Rett*]. The lord would not leave off; he wanted to know what he meant by it. Tall feared the lord, and was afraid he would kill him. The lord understood his fear and spake: 'Tell me the truth; I will make thy life safe, and not kill thee.' Then spake Tall: 'Since you have promised me, I will tell you the truth, and it is true: had the shot failed me, so that I had shot my child, I had shot the arrow into you or one of your men.' Then spake the lord: 'Since now this is so, it is true I have promised thee not to kill thee'; and had him bound, and said he would put him into a place where he would never more see sun or moon."[2] The account goes on to describe how Tall, in being taken down the lake in a boat, makes his escape at the Tellsplatte, and later shoots Gessler in the Hohle Gasse at Küssnacht; but he is not mentioned as taking part in the league afterward made; much less does he figure as the founder of the Confederation.

Now the question arises, How can we account for the sudden appearance of William Tell, both in the "Song of the Origin of the Confederation" and in "The White Book of Sarnen," after the writers of a century and a half had passed him over in complete silence?

[1] Root *dalen*, to act childishly.

[2] Oechsli, W. Quellenbuch. pp. 64–70.

As regards the simple story of the shot, apart altogether from its historical application, there can be no doubt now, after the investigations which have been made in all directions, that we have to do here with a widespread household myth, belonging equally to many branches of the Germanic family, but preserved with special tenacity in the retired and conservative valley of Uri. The same legend occurs in various parts of northern and central Europe, in Iceland, Norway, Denmark, Holstein, on the Middle Rhine, and with another motive in the English ballad of William of Cloudesly. There is always a skillful archer who is punished by being made to shoot an object from his child's head, and who in almost every case reserves an arrow with which to slay the tyrant in case of failure. The names of the men and places and the local coloring of course vary in the different versions, but the structure of the story remains the same in all. The one which bears probably the greatest resemblance to that of William Tell is to be found in a Danish history, *Gesta Danorum*, written by Saxo, surnamed Grammaticus, in the twelfth century. Here the anecdote is told of one Toko, or Toki, and King Harald Bluetooth (936–986). Making due allowance for the great difference between the style of this work, which is in pompous Latin, and the rude and fresh dialect of "The White Book of Sarnen," the resemblance is certainly very striking.

Says Saxo Grammaticus: "Nor ought what follows to be enveloped in silence. Toko, who had for some time been in the king's service, had by his deeds, surpassing those of his comrades, made enemies of his virtues. One day, when he had drunk too much, he boasted to those who sat at table with him that his skill in archery was such that with the first shot of an arrow he could hit the smallest apple set on the top of a stick at a considerable distance. His detractors, hearing this, lost no time in conveying what he had said to the king. But the wickedness of this monarch soon transformed the confidence of the father to the jeopardy of the son; for he ordered the dearest pledge of his life to stand in place of the stick,

from whom if the utterer of the boast did not at his first shot strike down the apple, he should with his head pay the penalty of having made an idle boast. The command of the king urged the soldier to do this, which was so much more than he had undertaken, the detracting artifices of the others having taken advantage of words spoken when he was hardly sober. As soon as the boy was led forward, Toko carefully admonished him to receive the whir of the arrow as calmly as possible, with attentive ears, and without moving his head, lest by a slight motion of the body he should frustrate the experience of his well-tried skill. He also made him stand with his back toward him, lest he should be frightened at the sight of the arrow. Then he drew three arrows from his quiver, and the very first he shot struck the proposed mark. Toko being asked by the king why he had so many more arrows out of his quiver, when he was to make but one trial with his bow, 'That I might avenge on thee,' he replied, 'the error of the first by the points of the others, lest my innocence might happen to be afflicted and thy injustice go unpunished.'"[1] Afterward, during a rebellion of the Danes against Harald, Toko slays him with an arrow in a forest.

Observe, also, the truly remarkable likeness of the old English ballad of William of Cloudesly to the "Song of the Origin of the Confederation," both as regards sense and style. I quote a few of the more striking verses only, in order not to weary the reader with continual repetitions:

"'I haue a sonne is seuen yere olde;
He is to me full deare;
I wyll hym tye to a stake,
All shall see that be here;

"'And lay an apple vpon hys head,
And go syxe score paces hym fro,
And I my selfe, with a brode arow,
Shall cleue the apple in two.'

. . . . . .

[1] Baring-Gould, S. Curious Myths of the Middle Ages. p. 113.

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"And bound therto his eldest sonne,
And bad hym stande styll thereat,
And turned the childe's face fro him,
Because he shuld not sterte.

. . . . . .

"Thus Clowdesle clefte the apple in two,
That many a man it se;
'Ouer goddes forbode,' sayed the kynge,
'That thou sholdest shote at me!'"[1]

Two explanations are possible in view of this similarity: either the author of the ballad of Tell and the notary of Sarnen copied the account of Saxo Grammaticus, written three centuries before, at the same time making them conform to Swiss surroundings, or the Danish and Swiss writers simply put down a legend current amongst their own people, derived from some common, older source, from which proceeded also the Icelandic, Norwegian and other versions. This latter solution seems to me preferable. Northern Switzerland was invaded by the German tribe of the Alamanni at the fall of the Roman Empire, and the present Cantons of Uri, Schwiz and Unterwalden were colonized by them somewhat later. William Tell is probably the Alamannian counterpart of Toko, the Dane. Moreover, both the ballad and The White Book reveal the ring of genuine folk-lore; they do not betray the touch of the copyist; so that we need not necessarily question the good faith of the men who wrote them down. But whatever explanation be accepted, it is now established that William Tell is no more exclusively Swiss than he is Icelandic.

If, now, we examine the different parts of the legend itself, to see if we cannot establish its historical value from internal evidence, we shall find our task still more discouraging. All the arguments put forward by the partisans of Tell have been found to fail upon closer scrutiny.

Certainly it is not unreasonable to suppose that if the great archer had once lived in the Forest Cantons his name would be found in some of the ancient records, but the most minute

[1] Child's The English and Scottish Popular Ballads, Part V., p. 29.

search in the archives of the three cantons has failed to show that such a man as Thall, Tall, or William Tell ever existed. In the midst of the controversy upon this question which broke out at the end of the last century, a Johann Imhof, vicar of Schaddorf, a village adjoining Bürglen, the traditional birthplace of Tell, searched diligently for proofs of his existence. He announced that he had discovered the name in two places: in the burial register (*Jahrzeitbuch*) of his own parish, and again in the parsonage book (*Pfarrbuch*) of the neighboring village of Attinghausen. Investigation has revealed that, of these two entries, one had been wrongly read, the other had been tampered with. In the first case *de Tello* was really *de Trullo*, and in the second *Täll*, originally *Näll*.[1] Imhof also cited documents, as well as Balthazer in his Défense de Guillaume Tell; but upon examination these supposed proofs failed utterly, and only harmed the cause they were intended to sustain. They consist of quotations from well-known chronicles, which date from a time when the tradition was already fully developed, or of documents bearing the strongest internal evidence of forgery.

Nor can the pilgrimages which are held in his memory, the Tell's Chapels, or other local features, which are shown to travelers at Altdorf and Bürglen, be regarded as testifying to his existence, since, like the chronicles, they either date from a time when the tradition was fully developed, or have been found to be connected with altogether different circumstances. The famous chapel on the Lake of Luzern seems to have been originally designed for the use of fishermen; the one at the Hohle Gasse, near Küssnacht, is first mentioned in 1570, and the one at Bürglen in 1582, long after the chroniclers had fixed the legend upon the hearts and minds of the people.

The supposed site of the William Tell episode at Altdorf is in the centre of the village, not far from the market-place.

From this spot Tell is reported to have shot the arrow, while his little son stood just beyond, under an ancient lime-tree. This tree, having withered and died, was cut down in 1569 by

[1] Rilliet, A. Origines. pp. 315-316.

a certain Besler, magistrate of the village (*Dorfvogt*), and a fountain erected in its stead, which now stands there surmounted by a rude statue of Besler himself. As a matter of fact, the lime-tree is historical, for we know that assizes were held under it, and sentences signed as having been pronounced "under the lime-tree at Altdorf"; but of course all this does not bear upon the truth or falsity of the Tell tradition, since chroniclers, if they chose to adorn their tale, would naturally select genuine local features.

Near by rises a tower, at one time pronounced to be over the place where the boy stood, but now known to be much older than the period in which William Tell is said to have lived; that is, at the beginning of the fourteenth century. It was probably the seat of a mayor who collected tithes for the Abbey of Nuns (*Fraumünster*) in Zurich, to which institution the greater part of the present Canton of Uri at one time belonged. Even that highly picturesque incident, the setting of a hat upon a pole, a feature peculiar to the Swiss version of the legend, so far as is known is susceptible of a perfectly natural historical explanation. The historian Meyer von Knonau, noticing that a hat figures in his own family coat of arms, and in those of many other families whose name is Meyer, has come to the conclusion that the setting up of the mayor's hat was a regular custom at the Altdorf assizes, and that what is represented in the legend as the whim of a tyrant was in reality a well-established official procedure.

Not to protract this argument to tedious length, I will merely cite one more proof of the flimsiness of the structure upon which the whole story rests. We now know that the rôle ascribed to the bailiff Gessler is an historical impossibility. The history of the Gessler family has been written by an untiring investigator, Rochholz, who has brought together from every conceivable source the documents which bear upon the subject. From his investigations it results that no member of that family is mentioned as holding any office whatsoever in the three cantons, or as being murdered by a man

Thall, Tall, or William Tell. It is contrary to all contemporary documents to suppose that an Austrian bailiff ruled over Uri after 1231, or that such a one would have owned the castle of Küssnacht, the history of which property has been carefully traced, and which was in the hands of its true owners, the Knights of Küssinach, at the time when Gessler is reported to have made it his residence.

The fact is, that in Gessler we are confronted by a curious case of confusion in identity. At least three totally different men seem to have been blended into one in the course of an attempt to reconcile the different versions of the three cantons. Felix Hemmerlin, of Zürich, in 1450 tells of a Habsburg governor living on the little island of Schwanau, in the Lake of Lowerz, who seduced a maid of Schwiz and was killed by her brothers. Then there was another person, strictly historical, Knight Eppo of Küssinach (Küssnacht), who, while acting as bailiff for the dukes of Austria, put down two revolts of the inhabitants in his district, one in 1284 and another in 1302. Finally there was the tyrant bailiff mentioned in the ballad of Tell, whom, by the way, a chronicler writing in 1510 calls, not Gessler, but the Count of Seedorf. These three persons were combined, and the result was named Gessler.

To trace the legend to a mythical source and to reveal its inconsistencies is simple enough, but to explain the historical application which has been made of it, is quite another matter. If William Tell is a hero of a widespread Germanic myth, how came he to be connected with the history of Switzerland at all? Why has not tradition handed down as founder of the Confederation one of those active patriots who are known to have lived and labored for Swiss freedom — men like Stoupacher (Stauffacher) of Schwiz, or Attinghausen of Uri? Here lies the main difficulty; but an explanation even of this is at hand, which on the whole satisfies the peculiar conditions of the problem.

When the Song and The White Book appeared at the end of the fifteenth century, the Swiss Confederates stood at the

very apex of their military glory, having just completed a series of great victories by defeating in three pitched battles the richest prince in Europe, Charles the Bold of Burgundy.

Filled with a spirit of patriotic exaltation, they turned to magnify their national origin, as is the wont of all nations when they rise to importance. But each of the three districts which had united to form the nucleus of the Confederation, Uri, Schwiz, and Unterwalden, tried to secure for itself as much credit as possible in the founding of it, thus giving rise to a variety of versions. Schwiz supplied the story of a certain genuinely historical personage, Stoupacher; Unterwalden, that of a youth designated as living in the Melchi, near Sarnen, and arbitrarily named Melchthal by later writers; and Uri attempted to turn to political account a legendary William Tell, an old favorite amongst the people of that district. The notary of Sarnen collected these stories, and did his best to give each of the three lands an equal share in the founding of the Confederation. In time the mythical hero distanced his rivals in popular favor, perhaps for the very reason that he was mythical and his family unknown in those parts, a sort of "dark horse" upon whom the jealous claimants could unite.

CHAPTER VII.

OTHER LEGENDS.

IT is somewhat strange that the legend of William Tell should be the only one, amongst those surrounding the origin of the Swiss Confederation, in which there does not seem to be the faintest trace of historical truth. None of the others contained in the "White Book of Sarnen," can be rejected as absolutely devoid of probable facts. Taken together they present a picture of the times which, though by no means accurate, deserves to be considered in connection with the study of mere matter-of-fact documents, for in the latter, what we may term the human side of the question, is apt to receive scanty justice.

These legends also have a certain literary quality of their own. They are medieval, childlike and savor of the soil to a remarkable degree. "Now at Sarnen a von Landenberg was bailiff in the name of the empire. He heard that there was one in the Melchi who had a fine yoke of oxen. Then the lord went thither, and sent one of his servants, and had the oxen unyoked and brought to him, and had the poor man told, peasants must draw the plow [themselves], and he wanted to have the oxen. The servant did as the lord had bid him, and went thither, and wanted to unyoke the oxen, and drive them to Sarnen. Now the poor man had a son who did not like this, and would not let him have the oxen, and when the servant of the lord laid hands upon the yoke, and wanted to unyoke the oxen, then he smote him with the oxgoad, and broke a finger of the lord's servant. The servant was hurt, and ran home, and complained to his lord of how he had fared.

The lord was angry, and wanted to punish the other one. So he had to flee; the lord sent for his father and had him brought to Sarnen to his house, and put out his eyes and took from him what he had and did him much harm.

"In those days there was an upright man in Alzellen who had a pretty wife, and he who was lord there at the time wanted to have the woman, whether she would or not. The lord came to Alzellen into her house; the husband was in the forest. The lord forced the woman to make ready a bath for him, and said she must bathe with him. The woman prayed God to keep her from shame, and thought to herself: God never leaves his people who call upon Him in need. The husband came in the meantime, and asked her what ailed her. She spake: 'The lord is here and forced me to make ready a bath for him.' The husband grew angry, and went in and smote the lord to death in that hour with an axe, and delivered his wife from shame.

"In those same days there was a man in Swiz [Schwiz], called Stoupacher [Stauffacher] who lived at Steinen, this side the bridge; he had built a pretty stone house. Now at that time a Gesler [Gessler] was bailiff there, in the name of the empire; he came one day, and rode by there, and called to Stoupacher, and asked him, whose the pretty dwelling was. Stoupacher answered him and spake sadly: 'Gracious lord, it is yours and mine in fief,' and dared not say it was his, so greatly did he fear the lord. The lord rode away. Now Stoupacher was a wise man and well to do. He had also a wise wife, and thought over the matter, and had great grief, and was full of fear before the lord, lest he should take his life and his goods from him. His wife, she noticed it and did as women do, and would like to have known what was the matter with him, or why he was sad; but he denied her that. At last she overwhelmed him with great entreaty, that he might let her know his matter, and spake: 'Be so good and tell me thy need; although it is said, women give cold counsels, who knows what God will do?' She begged him so

often in her trusting way, that he told her what his grief was. She went and strengthened him with words and spake: 'There'll be some good plan,' and asked him if he knew any one in Ure [Uri] who was so trusted by him that he might confide his need to him, and told him of the family of Fürst and of zer Fraowen [Zur Frauen]. He answered her and spake: 'Yea, he knew them well, and thought about the counsel of his wife, and went to Ure, and stayed there, until he found one who had also a like grief. She had also bid him ask in Unterwalden; for she thought, there were people there also, who did not like such tyranny.

"Now the poor man's son had fled from Unterwalden and was nowhere safe, he who had smitten in twain the finger of the servant of von Landenberg with the oxgoad; for which his father had been blinded by the lord, and he felt sorry for his father, and he would have liked to avenge him. That one also came to Stoupacher, and so there came three of them together, Stoupacher of Schwitz [Schwiz], and one of the Fürsts of Ure, and he from Melche in Unterwalden, and each confided his need and grief to the other, and took counsel, and they took an oath together. And when the three had sworn to each other, then they sought and found one from *nid dem wald* [Nidwalden] he also swore with them, and they found now and again secretly men whom they drew to themselves, and swore to each other faith and truth, both to risk life and goods, and to defend themselves against the lords, and when they wanted to do and undertake anything, they went by the Myten Stein at night to a place [which] is called *jm Rüdli* (Rütli). There they met together and each one of them brought men with him, in whom they could trust, and continued that some time and met nowhere else in those days, save in the Rüdli."[1]

The White Book goes on to relate that Stoupacher's company grew so strong that they went about, destroying the castles of the lords; a tower below Amsteg, Twing Uren (Zwing Uri) by name, Swandow (Schwandau) in Schwiz, Rötzberg in Nidwalden, and finally the castle at Sarnen in Obwal-

[1] Dändliker, K. Geschichte. Vol. I., p. 637. [1] Oechsli, W. Quellenbuch. p. 64.

den, the storming of which is told in a graphic manner, with many bits of local interest. When the bailiffs had been expelled the three lands made a league and held their meetings at Begkenriet (Beckenried). The account then passes on to describe Luzern's entry into the Confederation without mentioning the decisive battle of Morgarten.

The whole of this narrative cannot be mere invention. There are great inaccuracies, but there are no irreconcilable inconsistencies, as in the legend of William Tell.

Two noblemen, vassals of Habsburg, both named Herrmann von der hohen Landenburg, are known to have lived in the reigns of Rudolf and Albrecht, although there is no record of their having had any connection with the Forest States. As for Stauffacher, that is the name of a family which was prominent in the affairs of Schwiz for several generations, as will be shown later. Fürst and Zur Frauen were historical families of Uri. There is no evidence either for or against the existence of the peasant from the Melchi in Obwalden, or the virtuous wife in Alzellen. Contemporary documents are also silent concerning the castle of Zwing Uri, but judging from the scanty ruins which may still be seen on a hillock near the entrance to the Maderaner Thal, it must have been a simple tower, similar to those of the Mayors of the nunnery of Zürich situated at Altdorf, Bürglen, Silenen and Erstfeld. The same uncertainty reigns in connection with the ruins on the island in the lake of Lowerz; it has not yet been ascertained whether they were those of a nobleman's castle, or formed part of the fortifications, erected by the men of Schwiz before the battle of Morgarten.

As regards the oath on the Rütli, there is no likelihood that it took place in 1291, for there was at that time no motive for secrecy. On the other hand, Swiss critical scholars are inclined to relegate this midnight conspiracy, along with the story of Stauffacher and of the storming of the castle at Sarnen, to an earlier period. If there be any truth at all in the above mentioned incidents, they belong more properly to that early stage

in the struggle for independence which took place about 1245, when the Pope found it necessary to issue a warning to the men of Schwiz and Sarnen to return to their allegiance to Count Rudolf Habsburg. The very situation of the Rütli marks it as the likely scene of secret meetings. For who that has visited the spot can have failed to notice how wonderfully it is adapted for such purposes? At once central for the inhabitants of the Forest States, and yet secluded to a remarkable degree, it possesses in reality all the requirements of an ideal trysting-place.

As subsequent historians based their accounts almost exclusively upon the "White Book of Sarnen," it is not necessary to examine their work in detail. Suffice it to say that they did not hesitate to supply the persons with names and the events with dates, whenever these were needed. The traditions found their best exponent in Giles (Aegidius) Tschudi of Glarus, from whom in turn Schiller derived most of the material for his play.

The true explanation of the legends, which surround the origin of the Swiss Confederation, seems to be somewhat as follows:

All nations when they have risen to importance begin to speculate about their origin. Obscure local events, connected superficially with the struggle for independence, appeal to popular imagination and become traditions. These are collected and fitted together so as to produce one continuous narrative, which shall sound reasonable and satisfy patriotic pride. But, of course, the longer this task has been delayed, and the more remote the national origin, the greater the obscurity which surrounds these traditions, and the more numerous the inaccuracies which have crept into them. For unwritten history soon loses its original purity in being transmitted from father to son, so when finally put down in writing, it no longer represents events as they have actually taken place, but as the people have learned to imagine them. The long conflict against Habsburg was concentrated into a short space of time;

the multitudes, who took part in it, symbolized by a handful of determined men; and the Swiss nation was made to result from a sudden upheaval.

The history of the early Swiss is more than picturesque, it is instructive. The chroniclers need not have resorted to legends of doubtful origin in order to invest the rise of their Confederation with the interest it ought always to have commanded. In attempting this they rather obscured than displayed the qualities which made their ancestors worthy of our admiration, and pressed into the background those features of Swiss history which best deserve to be studied. The chroniclers would have us believe that the sacred flame of liberty was kindled by the whim of a petty tyrant, the liberation of the people effected by murder; they would make the origin of the oldest feudal republic in existence depend upon a trick, upon the chances of an arrow in its flight, when in reality it is based upon the eternal laws of the brotherhood of man; they would represent as fortuitous, abnormal, and sudden, what was eminently deliberate, lawful, and long drawn through centuries of strife and struggle.

Nothing could have been more heroic than the ceaseless resistance of the patriots in Uri, Schwiz and Unterwalden to the encroachments of Habsburg, or more admirable than the patient wisdom with which they finally won their independence.

CHAPTER VIII.

THE ORIGIN OF THE SWISS CONFEDERATION COMPARED WITH THAT OF THE UNITED STATES.

HISTORICAL analogies are apt to be misleading because exactly the same conditions can never be reproduced in different countries and at different periods. At the same time the lessons to be learned by the comparative method of study are so manifold, that they cannot well be neglected without serious injury to the subject under consideration.

Peculiar interest must attach to the origin of the two most successful systems of federalism in modern times. A judiciously conducted comparison between the forces which led to their founding, and their subsequent growth into independent free states, cannot fail to be of value to the student, especially when the truly marvelous resemblance between their present organizations is duly appreciated.

In reality the main difference to be noted in the development of the Swiss Confederation, as compared with that of the United States, is one of time rather than of manner. The growth of the former from a loose aggregation of states into a firm federal body, has been spread over the better part of six centuries, while that of the United States has been compressed into little more than two centuries and a half. On the other hand there are moments in the history of both countries, notably in their constitutional progress, which are so nearly alike, that they may well be placed opposite each other in parallel columns of development.

The Alamannian tribes, which invaded Switzerland and

later laid the foundations of the Confederation, found what was practically virgin soil for their Teutonic institutions. They themselves were almost entirely free from the influence of Latin civilization, and the few Celto-Roman Helvetii, whom they encountered upon taking possession of the country, they promptly reduced to slavery. There was nothing to disturb the essentially Teutonic character of their civilization. Very much the same set of conditions obtained in England at the time of the Saxon invasion, so that Teutonic institutions took root and flourished in those two countries, and preserved their primitive purity as nowhere else.

When in the course of the seventh and eighth centuries the descendants of the original Alamannian settlers colonized the Forest States, and the descendants of the Saxon invaders crossed the Atlantic to people the American coast, each group of emigrants was able to transplant the rudiments of ancient Teutonic institutions to fresh soil, in much the same form as they had originally received them from their ancestors. As a matter of fact, therefore, the Celtic Helvetii had as little to do with founding the Swiss Confederation as had the Red Indians to do with the formation of the United States of America. The organization of both these confederated states was essentially Teutonic in conception and application. Even the manner in which the colonization of the Forest States was effected bears a strong resemblance to that of New England. The majority of the settlers were sent out by great ecclesiastical corporations or by powerful noblemen, and these may be likened, for purposes of illustration, to those joint-stock companies, the London Company and the Plymouth, and to the English noblemen who took so prominent a part in the colonization of the American coast.

But the English settlers had one very appreciable advantage over the Swiss mountaineers. The task of founding a free state, in the modern sense of the word, was much easier for them, because when they left England the fabric of feudalism was already torn, the principle of the divine right of

kings was no longer unquestioned. Their opportunity to rear a state upon true democratic principles, upon an equality of opportunity for all men could not have been better — it has never been equalled in the history of the world. Indeed, if they had succeeded in establishing an aristocratic, feudal society upon the American continent, their act would have been an historical freak, pure and simple, and wholly out of the natural order of the world's development. But the struggle of the early Swiss had first to be directed against the allied forces of feudalism. They bore the incubus of a system of society based upon special privileges for the few. Their constant conflict was for democracy in an age encumbered with the paraphernalia of medievalism, and their ultimate victory for popular rights was as wonderful in itself, considering the obstacles in their path, as would have been the triumph of feudal principles in the settlements of the English colonists.

In Switzerland and in America alike, the various states acquired local self-government by different methods. They grew into sovereign communities before they united into a federal body, remaining in subjection to a distant supreme power — the Forest States to the head of the German Empire, and the American Colonists to the King of England. In both countries there were charters issued by this supreme power, which formed the basis of later constitutions in conjunction with local enactments.

The first feudal constitution of the Swiss Confederation, which has come down to us, is the perpetual league drawn up by the three communities of Uri, Schwiz and Unterwalden in 1291. In the history of the United States there is a document which may fairly be said to correspond to this. It is the Articles of Agreement, framed in 1643, by the four colonies of Connecticut, New Haven, Plymouth and Massachusetts Bay. In both cases the fear of aggression from a common enemy led to union. The Swiss mountaineers were induced to enter into their league, in order that they might repulse the constant encroachments of Habsburg-Austria, while the

English settlers founded the United Colonies of New England to withstand the attacks of Indian tribes.

In this connection the provisions of the Articles of Agreement are worthy of examination. We "enter into a consociation amongst ourselves," say the four colonies, "for mutual help and strength in all future concernment, that as in nation and religion, so in other respects, we be and continue one." They, therefore, establish a "firm and perpetual league of friendship and amity." Each state shall retain its own peculiar form of jurisdiction. "Charges of all just wars" shall be borne by them in certain fixed proportions. Levies shall be raised from each state according to regulations. Two commissioners from each state shall meet to exercise carefully enumerated powers. And finally the document asserts that commissioners from the four states have subscribed to "this perpetual confederation." The American Articles of Agreement are somewhat more explicit than the Swiss Perpetual League, they are not quite as discoursive, they do not contain as many provisions of a purely judicial character, but in other respects, they betray the same untutored, experimental qualities as the Perpetual League. It is somewhat remarkable also that the Colonists should have declared their confederation perpetual when this form of phraseology is so comparatively rare in history.

Nor does the resemblance between these two perpetual pacts stop at this point. Neither the one nor the other gives us any reason to believe that these primitive confederations harbored any aspirations after cutting adrift from the protecting parent country. As a matter of fact, both were eventually driven to separation, as much by the natural process of great world forces, as by their own individual efforts. When the Swiss Confederation was formally and officially recognized as a power independent of the German Empire, at the Peace of Westphalia in 1648, the signatory parties only set their seal to a state of things which had virtually existed since the Swabian war in 1499. And in the same manner the Declaration of

Independence, enunciated by the thirteen colonies in 1776, was only the world-wide announcement of a fact which had been patent to every investigator long before. As at the present moment the practical independence of the Australian colonies and of Canada must be conceded, although those states have never actually severed their connection with the mother country.

The Swiss Confederation and the United States have each in their way contributed invaluable services to the cause of federalism. It would be invidious to award the palm to either. The first seems to have represented the principle in Europe until the second was ready to develop it on purer lines in the New World. For when the United States were founded the prevalent conception of government amongst civilized nations was that of a highly centralized monarchy. The Dutch and the Swiss Confederations, it is true, existed, but they had grown to be most unworthy examples of federalism. Switzerland presented the unedifying spectacle of extreme decentralization, of a disorganized and demoralized conglomeration of sovereign states, bereft of national sentiment, divided into religious factions, and a prey to foreign intrigue. The Netherlands had been consolidated by the house of Orange into a centralized state, almost devoid of true federalism. It was the representative system of England, in its last analysis a species of federalism, which the founders of the United States transplanted to a new environment. Working at first crudely and imperfectly, but later with a marvelous precision, they accomplished a practical revolution in the whole science of constitutional government. To-day, therefore, the Swiss Confederation and the United States stand side by side in friendly rivalry to demonstrate the blessings of federalism.

CHAPTER IX.

THE CONFEDERATES AGAINST HABSBURG-AUSTRIA.

IN spite of the conservative tone which is observable in the text of the first perpetual league, there can be no doubt that the signing of this instrument denoted a new departure in the policy of the Forest States. Every line breathes the determination of the contracting parties to resist fresh encroachments upon the liberties they had so far acquired, as well as to enforce law and order within their boundaries. No disguise was made of the fact that they were committed to a policy of organized resistance against Habsburg.

The death of Rudolf was the signal for a period of confusion. He had made every effort to secure the succession to his eldest son, Albrecht, but so great was the alarm caused by the extraordinary development of the Habsburg power, that after the throne had remained vacant for almost a year, it was awarded to Count Adolf of Nassau. The partisans of the two rivals broke out into open feud. In the south of the empire the cities of Bern and Zürich, with a number of spiritual and temporal lords, united in hostility to Habsburg, and it was this alliance which Uri and Schwiz joined by making a special compact with Zürich to last for three years. Unterwalden does not seem to have felt strong enough to incur such responsibilities. Of this alliance we need only say that it was not particularly successful, and fell apart before the term had expired for which it had been concluded.

Adolf's short reign is not distinguished in the history of the young confederation by any event of a startling nature, but still it deserves to be noted for the fact that, in 1294, the first

Landsgemeinde, or open-air legislative meeting, of which we have any record, met in Schwiz. A decree promulgated on this occasion will ever remain memorable on account of the light it throws upon the economic and social conditions existing in Schwiz at this early date.

It refers to the subject of land tenure. The assembled people of Schwiz agree to forbid any one to sell or give land to monasteries in the valley, or to strangers dwelling outside, under pain of a heavy fine. All land thus alienated must be bought back, or else confiscated by the community. The monasteries must pay the same taxes as all the other members of the community, or else be excluded from using the common lands, *i. e.* the Almend. The strangers must also pay the same taxes; nor can they exact any compensation from their tenants for this reason, or take the land away from them.

Rough and ready as these regulations undoubtedly are, they give evidence of great insight on the part of the rude peasants. They constitute a revolt against special privilege, against the monopoly of land by great ecclesiastical corporations and absentee landlords. They show that the men of Schwiz felt the pinch of land hunger, where land was in plenty, and that they were persuaded of the necessity for regulating its tenure in such a manner, as to give every man an equal measure of opportunity in the acquirement of wealth.

The causes which produced the revolt of the Forest States against Habsburg, and thereby called into being a new state, are to a certain extent, shrouded in obscurity. If they could ever be traced to their ultimate, prime cause, there is reason to believe that the great question of land tenure, which has presided at the rise and fall of many another nation, would be found at the origin of the Swiss Confederation also.

In the midst of the war between Adolf and Albrecht, for the latter had never renounced his pretensions to the throne, Uri and Schwiz succeeded in persuading Adolf to ratify their charters of immunity. But unfortunately the Forest States were not destined to be left long in their enjoyment of these char-

ters, for, in 1298, Adolf lost his crown and his life in battle with his rival, who was thereupon formally elected king in his place.

One might suppose that with Albrecht of Habsburg's accession to the throne, the Forest States would be made to feel the full resentment which their independent action was calculated to provoke; but, as it was, they escaped untouched for more than twenty years.

The Swiss chroniclers of the sixteenth century have stigmatized Albrecht I., of Germany, as a ferocious tyrant, who in order to establish his personal power, sent despotic bailiffs into the Forest States, who, in their turn, behaved so arrogantly, that the inhabitants were compelled to revolt. As a matter of fact history does not corroborate these accusations.

It is true that Albrecht was every inch a Habsburg, a man determined to extend the patrimony which his father had left him, and not over scrupulous in the choice of means toward the attainment of this object. But there is no evidence of his having appointed tyrannical bailiffs, or of having brought about the revolt which the chronicles relate. Of course his interests forced him to oppose the aspirations of the Forest States. He refused to ratify the charters of immunity, possessed by Uri and Schwiz. There was also an uprising of the people on the Habsburg estate of Küssnacht, directed against the bailiff of the place, but Küssnacht did not, at that time, belong to the Forest States.

On the whole, an examination of Albrecht's reign from 1298–1308 shows that the Forest States were allowed to manage their own affairs as freely as heretofore.

Uri was governed by a native Landammann, Knight Werner von Attinghausen, during most of this time, a man who had taken a part hostile to Habsburg in the alliance with Zürich. In Schwiz there are several notices of native Landammänner, of whom one was Rudolf Stauffacher. This patriot had made himself especially odious to Habsburg on account of his hostility to the great land-owning monasteries in Schwiz. As early

as 1275, during the reign of Rudolf I., Stauffacher had persisted in demanding taxes of the nunnery at Steinen, and when the latter refused, had taken a horse belonging to that institution as security. Thereupon Queen Anna, Rudolf's wife, wrote a letter to Landammann Stauffacher, demanding the instant surrender of the horse to the nuns, and their exemption from taxation. In 1294 came the Landsgemeinde decree, mentioned above, and in 1299, by a curious coincidence, Queen Elizabeth, Albrecht's wife, like her predecessor, was constrained to write to the Landammann, of Schwiz, again demanding exemption from taxation for the nunnery in Steinen. One is inclined to suspect that this second Landammann, whose name is not given, was in reality the same Rudolf Stauffacher, to whom Queen Anna had once written on the same subject, and who opposed the monopoly of land. Certain it is that this patriot filled the office of chief magistrate in 1304.

Perhaps the most striking evidence that the liberties of the Forest States were not seriously curtailed is supplied by the fact that, during Albrecht's reign, in 1304, Nidwalden and Obwalden appear for the first time united under the name of Unterwalden, with a Landammann in the person of a certain Rudolf von Oedisriet.

It is a question, however, whether these comparatively friendly relations could have existed much longer between the Habsburg family and the liberty loving peasants in Uri, Schwiz and Unterwalden; whether the open hostilities, which broke out some years later, would not have shown themselves already during Albrecht's reign, had not an event of the most startling nature called away attention from the Forest States to the wider interests of the German Empire at large.

King Albrecht was one day riding toward his ancestral castle near Windisch, when he was foully murdered by his ward and nephew, John, Duke of Austria. When the sensation, caused by this deed, had somewhat subsided, Count Henry of Luxemburg was elected to the throne, and once more, as in

the days of Adolf of Nassau, the supreme power had been wrested from the hands of Habsburg in time to avert a conflict with the Forest States.

Henry VII. confirmed the charters of Uri and Schwiz, and issued one to Unterwalden, which is the first official recognition of the immunity of that state, known to historians. These royal acts were in themselves sufficiently hostile to Habsburg, but Henry also appointed an imperial bailiff to govern the three States conjointly, thus taking them from the stewardship of Habsburg, and placing them directly under his own care.

The Dukes Frederic and Leopold, Albrecht's sons, were engaged for the time being in waging a war of extermination against the murderer of their father and his accomplices. Only one of the conspirators fell into their hands, a certain Rudolf von Wart, perhaps the least culpable of all. He was put to death amid frightful tortures upon the scene of the murder, where Queen Elizabeth thereupon founded the nunnery of Königsfelden, as a memorial to her husband.

This awful task accomplished, Duke Leopold, to whose share the Habsburg possessions in the West had fallen, turned his attention to the Forest States, where his interests were in a condition to awaken his worst apprehensions. He obtained an assurance from Henry VII. that an exhaustive examination would be made of Habsburg's rights in the Forest States. Fortunately for these communities, however, Henry died in 1313, before the promised inquiry could be made, and the subject was pressed into the background by the difficulties experienced in finding a successor to the crown. It was during the long contest, which now ensued between Dukes Ludwig of Upper Bavaria and Frederic of Austria, the two claimants to the succession, that the final revolt of the Forest States against Habsburg was destined to take place.

It is impossible to judge how much longer the conflict might have been averted, had not the men of Schwiz committed an outrage upon the neighboring Abbey of Einsiedeln, an institution which was under the stewardship of Habsburg. In the

night, of the 6th of January, 1314, a marauding band from Schwiz, under the leadership of Landammann Werner Stauffacher attacked the monastery, took the sleeping monks prisoners, penetrated into the cellars, broke open the doors of the sanctuary, and in drunken fury overthrew the ornaments, treasures, vessels, vestments and relics. At daybreak they departed with their prisoners, and the cattle they had found on the place. The story of this raid has been told in a Latin poem, the Cappella Heremitarium,[1] by one of the suffering monks. It reflects but little credit upon the men of Schwiz. At the same time the causes which led up to this outrage are not sufficiently known to make a fair judgment possible. There seems to have been one of those periodic quarrels with the monks about the Almend, and the men of Schwiz seem to have been exasperated beyond endurance at the infringement on their rights. Only a few years before, the bishop of Constance, in whose see the Forest States were situated, had launched a decree of excommunication against the men of Schwiz, in consequence of constant complaints on the part of Einsiedeln, so that the relations between the peasants and the monks were decidedly strained. One point, however, is clear, and that is, that the conflict was in regard to land, that it turned upon the vital question of land tenure, which was the characteristic feature of the struggle for independence in Schwiz, if not in the other Forest States.

Habsburg's exasperation was now complete. The failure of the investigation ordered by Henry VII., and now this unpardonable behavior of Schwiz, made a peaceful solution impossible. Day by day the conviction forced itself upon the parties involved, that the relations which existed between them would not continue, and that the final decision must be reached in a resort to arms. Of course this particular struggle was only an incident in a much wider conflict, which was going on everywhere at this time, between the peasants and the nobles. Each side followed the dictates of self-interest,

[1] Rilliet, A. Origines. p. 167 and 373.

with no more reference to general principles of equity than we find to-day amongst semi-barbaric nations, so that it would be unfair to stigmatize the conduct of the ducal house as tyrannical, and to exalt that of the peasants unreservedly as holy and righteous. Undoubtedly the patriots were fighting for the good cause of popular liberty, but Habsburg at the same time thought itself justified by law in resisting their attempts at independence.

CHAPTER X.

THE BATTLE OF MORGARTEN.

BOTH sides made ready for the struggle. In the autumn of 1315 Duke Leopold, the King's brother, rallied around him a formidable army in the Aargau, composed of vassal Knights, and infantry recruited from the towns subject to him. Says Johannes Vitoduranus (of Winterthur), a contemporary chronicler, to whom we are indebted for the best account of the battle of Morgarten: "The men of this army came together with one purpose, to utterly subdue and humiliate those peasants who were surrounded with mountains as with walls." [1]

Leopold's plan of attack was in every way an admirable one, but carelessly executed. His main force was to march upon Schwiz, over the low Sattel pass, skirting the ridge of Morgarten, while minor detachments operated against Unterwalden, so as to involve these two States in a network from which there could be no escape.

In the meantime the Confederates had not been idle. King Ludwig had so far espoused their cause as to publicly announce their right to the immunity, and to annul the decree of political interdict launched against them by Frederic, as punishment for the raid of Schwiz upon Einsiedeln. But Ludwig gave them no material aid, and they knew well that his moral support merely would avail them nothing, surrounded as they were on all sides by the subjects of Habsburg. The Confederates, therefore, looked to their frontier defences, and got ready their famous halberds, formidable weapons of

[1] Oechsli, W. Quellenbuch. p. 54.

their own invention, to be used in striking, thrusting, as well as dragging men from their horses; nor did they forget, according to the chronicler, to offer public prayers for heavenly aid, according to immemorial custom, on the eve of any great undertaking.

Morgarten is not a terrifying, craggy Alpine pass, as popular imagination has painted it, but is a ridge of hills, situated in the rolling country north of the village of Schwiz. If the scenery can be said to be remarkable at all, it is by reason of a certain gentle charm, due to the absence of the higher Alps, and the softness of the velvet slopes.

On the 15th of November, the forces of Schwiz, with reinforcements from Uri and Unterwalden, were posted on the Sattel Pass, to dispute the passage of the Austrians. The main force of the Austrian Knights advanced along the road which skirts the Lake of Aegeri, riding toward Schwiz in the best of spirits. They jested as though out for a day's sport, never for one moment doubting that they would return victorious, in fact, they were so sure of plunder, that their attendants had provided themselves with ropes in order to lead away the captured cattle.

There are certain topographical details which must be clearly understood, if the course of the battle is to be at all comprehensible.

At the other end of the lake, where the Confederates were posted, the old path which was in use at the time of the battle, branches off to the left of the modern carriage road, leading along the slope of Morgarten to join the modern road again at an old piece of fortification, called the Tower of Schorno. This old path alone can reveal the secret of the victory of the Confederates.

As the knights were riding up this path, weighed down by heavy accoutrements, their line of battle necessarily broken, they came to a spot which suddenly placed them at a great disadvantage, if they should be attacked. Behind them was the steep path which they had mounted, on their right flank a

detached hillock, and on their left the ridge of Morgarten. Here the battle must have been fought, if the early accounts of the course of events are to have any meaning. When thus hemmed in, the Austrians suddenly heard a loud, roaring noise and looking up, beheld an avalanche of rocks and trees rolling down upon them from the Figlerfluh, a prominent spur of the ridge of Morgarten. A somewhat mistrusted tradition ascribes this first blow to a detachment of fifty men of Schwiz, who had been banished from their country, and were desirous of proving their loyalty by some act of patriotism. Be that as it may, the effect of their plan was instantaneous; the Austrians were thrown into the wildest confusion, and at this moment, the main force of the Confederates rushed from their positions further up the path, swinging their deadly halberds, and hurled themselves against the invaders with a momentum made irresistible by their descent. Unable to deploy their mounted force in this natural trap, the Austrians were obliged to yield in the direction of the lake, whence they had come. The retreat turned into flight, the battle into slaughter. Some were crushed by the falling masses, some hewn down, and others crowded into the lake, where they were drowned in their armor; the rest fled to the friendly shelter of the towns, which were under Austria's protection.

Amongst the Knights who reached Winterthur that night, our chronicler, Johannes Vitoduranus, saw: "Lüpold, who seemed half-dead with overpowering sorrow. That I saw with my own eyes," he assures us, "for I was a schoolboy at that time, and ran in great glee to meet my father at the gate, with other, older schoolboys."[1]

Many a noble family in Austrian lands mourned a father, son or brother, on that day, but the loss of the Confederates was insignificant.

"When the fight was over, the men of Schwiz pulled off the weapons of the killed and drowned, robbed them also of their other possessions, and enriched themselves with arms and

[1] Oechsli, W. Quellenbuch. p. 55.

money." In order to commemorate the victory, a chapel was erected near by, dedicated to St. Jacob, where a rude, but exceedingly graphic picture of the battle now hangs.

Morgarten was one of the first occasions in the Middle Ages, perhaps the very first, on which any army of mounted Knights was conquered by peasants on foot; so that for this reason, if for no other, it deserves an important place in the annals of military tactics. The Bernese chronicler, Justinger, supplies an anecdote which, if true, shows that one person, at least, in the Austrian camp was not without apprehensions. Jenni von Stocken, the duke's fool, when asked what he thought of the plan of invasion, remarked that he did not like it: "You have all taken counsel how best to get into the country, but have given no explanation of how you are going to get out again!"[1]

As in the perpetual league of 1291 we heralded the birth of the Swiss Confederation, so in this battle we must recognize its martial baptismal day. Henceforth the union of the Forest States was admitted to membership in the company of the nations, modest newcomers, occupying humble positions, but none the less worthy of admiration and respect.

The din of battle had barely subsided when, on the 9th of December, 1315, the Confederates hastened to renew their first league at the village of Brunnen. Nothing more beautiful could be imagined than the surroundings amid which this document was signed, in the angle formed by the abrupt turn which the Lake of Luzern takes to the south, where it opens out into an arm known as the Lake of Uri.

This second league made no change in the general policy of the Confederation, but rather served to accentuate the principles previously enunciated. Thus, after repeating that every man should obey his overlord, exception is made of "those lords or that lord who shall attack one of the Lands with violence, or force unjust exactions; such an one or such men shall not be served as long as they have not given satisfaction to the

[1] Dändliker, K. Geschichte. Vol. I., p. 391.

Lands." An important provision is the following: "We have also agreed that none of the Lands, nor any one amongst the Confederates [here the German name *Eidgenosse* appears for the first time] shall give an oath or pledge to a foreigner without the advice of the other Lands or Confederates."[1]

As for King Ludwig, as soon as he saw that the Forest States had given proof of such unexpected powers when abandoned to their own resources, he promptly annulled all of Habsburg's rights in Uri, Schwiz, and Unterwalden, whether administrative or proprietary, and confirmed all their charters of immunity.

Three years after the battle the Dukes of Austria decided to make peace with the Confederates. Indeed they were so hopelessly involved in a life and death struggle with King Ludwig, that they saw no immediate chance of avenging themselves for the defeat which they had sustained at Morgarten. Accordingly, the Dukes of Austria formally renounced all administrative rights within the three States, maintaining, however, their ancient estates with the serfs and revenues appertaining to them, in spite of Ludwig's act, which was intended to deprive them of proprietary rights as well. Provision was made for debts contracted before and during the war. The Confederates, on their side, bound themselves not to form any alliances injurious to the interests of Austria. They guaranteed safe passage for all men through their territory, and stipulated that the same should be accorded to them on the roads leading through the Austrian lands which surrounded them.

Seven times were these articles of peace renewed, until, in 1323, they were allowed to lapse, without this fact, however, leading to immediate hostilities.

At this point we have reached the first stage in the rise of the Swiss Confederation. We have seen three separate communities, different in their origin and development, but one in their interests, growing side by side into vigorous democracies,

[1] Oechsli, W. Quellenbuch p. 56.

then uniting in an indissoluble bond, and finally defeating in battle the hereditary foe who had refused to acknowledge their independent position in the German Empire. We have been impressed throughout by the sobriety and moderation of the patriots, above all by their marvelous patience in adversity.

The next stage is to be the growth of this primitive league into a powerful Confederation by the adherence of other sovereign communities.

CHAPTER XI.

LUZERN.

THE Confederates did not lapse into inactivity after their victory at Morgarten, nor were they deceived as to the enemy's ultimate intentions by the temporary cessation of hostilities which followed that battle. No sooner, therefore, had the conditions of peace expired in 1323, than they cast about for allies amongst the communities in their neighborhood, whose aspirations for independence were being opposed by Habsburg.

In this emergency they turned to Luzern, a small city at that time, growing into comparative importance on account of its connection with the pass over the St. Gothard. Indeed the union of the three States to Luzern was, in a sense, a physical necessity. The waters of the lake served both as a natural bond, and also as a convenient highway for their commerce — the lake being, in fact, called the *Vierwaldstättersee*, or the Lake of the Four Forest States. They were mutually dependent upon each other's good will for whatever measure of trade they might acquire, so that it was no difficult matter to convert their commercial bond into a political one, resting on the surest of foundations, a community of interests. On the 7th of November, 1832, a perpetual league was concluded between the Schultheiss, Council and Burghers of the city of Luzern and the people of Uri, Schwiz, and Unterwalden. The original document is not extant; its contents are only known from copies.

After a preamble, which reads like that prefixed to the

league of 1315, the contracting parties engage under oath to help each other in certain specified ways. It is first expressly stipulated that Austria's rights in Luzern and those of the Emperor in Uri, Schwiz, and Unterwalden shall be respected as heretofore. In case, however, one of the Four States is unjustly treated by foes from without or within, the injured parties shall meet under oath, and the majority of them shall decide whether the injury is such as to require the help of the Confederates. Should this be the case, the threatened States shall issue a warning call (*Mahnung*) to the others, and the latter shall be bound to go to the rescue, without investigating the case for themselves, and at their own expense. Difficulties between the Confederates shall be settled by arbitration, "the best and wisest" being selected as judges. An important provision declares that no separate alliance shall be contracted without the permission of all the Confederates.[1]

Documentary evidence of a later date tends to show that the little semi-independent villages of Gersau, Weggis, and Vitznau, at the foot of the Rigi, also joined the league at this time, although they are not mentioned in the document.

Rude and unpolished as are some of the terms contained in this document, they speak unmistakably for the wisdom of the contracting parties. The rights of the individual States were carefully maintained, their private affairs left untouched, while, at the same time, a firm union between them was established through which their common interests were guarded. The result was a federal organization which could be safely counted upon to withstand external pressure and internal dissensions. Especially is that rule to be commended which forbade the contracting parties to enter into separate alliances without the permission of all the Confederates. Had this rule been observed by members which joined the Confederation after Luzern, some of the saddest and most humiliating chapters in Swiss history would never have had to be written.

[1] Oechsli, W. Quellenbuch. p. 71.

Luzern owes its origin to a colony of monks from the Alsacian Abbey of Murbach, who, about the middle of the eighth century, founded a little monastery in honor of St. Ledger on the bank of the Reuss, at the point where that river leaves the lake. Around this nucleus there grew up a city bearing the name of Luzerren, or Luciaria, in the documents. It was at one time supposed that a Roman lighthouse (*lucerna*) had stood here, but there is no evidence of a Roman settlement, and a more reasonable interpretation of the name seems to be that of Leodegar's-Ern, contracted into Luzern, meaning Ledger's farm.

Luzern, being the property of the Abbey of Murbach, was an example of a city under ecclesiastical rule. It sought to possess the *Reichsunmittelbarkeit*. The Abbot governed in the capacity of owner and by means of his representative, a Mayor or Ammann, who collected tithes and tried minor offences, while the more important ones were in charge of the Steward of Murbach, an office held since 1239, conjointly with that of the Count of Aargau, by the elder branch of the house of Habsburg. The Steward administered justice through an Underbailiff, resident at Rothenburg, and was probably also represented in the city by a magistrate, known as the Schultheiss.

It was the aim of every city, whether subject to secular or ecclesiastical rulers, to attain complete self-government. In this all were not successful, nor was there any uniformity in the manner of procedure, but there were certain steps which all alike were obliged to take. One was to obtain a charter, a *Handfeste* or *Brief*. Sometimes this privilege had been granted when the city was founded; in that case the task of liberation became all the easier. Another step was to constitute a council (*Rath*), and to elect a presiding officer, called Bürgermeister or Schultheiss. From this point of vantage the citizens could then wrest farther rights from their rulers until they became entirely self-governing.

In general, Swiss cities advanced much further in the path

of independence than the majority of cities in other parts of the German Empire. They grew to be veritable republics. Their sovereignty, when once attained, not only gave them perfect freedom in all municipal matters, but also clothed them with powers which are generally reserved for national governments. In their markets they had their own commercial regulations, used their own weights and measures, coined their own money, contracted alliances, declared war, or remained neutral as they chose, and finally possessed their own seals, as expressions of undisputed sovereignty. It is obvious, however, that at any given time there would be the greatest diversity amongst the cities, according to the stage which they had reached on the road to self-government, and that the value of a particular city in the general struggle of the people against the nobles would depend very much upon the degree of independence it could command.

At the time of Luzern's entry into the Confederation, the citizens had already acquired certain important rights and privileges. During the struggle between the empire and the papacy, about 1245, they had joined issue with Schwiz and Obwalden against the house of Habsburg. In 1252 they obtained a charter, the so-called "Sworn Brief", thus making their first decisive advance on the road toward self-government. Little by little the process of emancipation unfolded itself. When, in 1273, Rudolf of Habsburg ascended the throne, he gave his royal sanction to the privileges Luzern already possessed, and added others of importance.

Suddenly, however, the prospect which had appeared so bright, became clouded over, for in 1291, a few months before his death, Rudolf bought for his sons all the possessions of the Abbey of Murbach lying on this side of the Rhine, including also Luzern and adjacent estates. For this he paid the financially embarrassed Abbot Berchtold the sum of 2000 marks in silver, and gave up to him a few villages in Elsass. Some of the older Swiss historians have maintained that the Abbot had given the citizens a promise never to alienate them from him-

self. It is very difficult, at this distance of time, to ascertain the truth in regard to this, but, as there is a complete lack of contemporary evidence, modern historians have been inclined to doubt the existence of any such promise. Be that as it may, the change in Luzern's condition caused by this purchase was decidedly for the worse, since the city thereby lost the rights of immunity, and virtually became the personal property of the Dukes of Austria. All advance in the direction of self-government was stopped for a time. In 1315, the citizens were obliged by their Austrian masters to take part against the Three Forest States at the battle of Morgarten, although it is not known that they had any fighting to do on that occasion. But the unexpected success of the peasants against the Austrian knights, revived the drooping courage of the burghers and animated them with new hopes. A party was formed within the city whose ultimate object was union with the Three States, and whose immediate efforts were directed toward acquiring the right of electing the whole of the Council and its presiding officer, the Schultheiss. Their reforms were but half attained when the perpetual league of 1332 was concluded with Uri, Schwiz and Unterwalden.

In view of this bold stroke of Luzern, it is not surprising that the Dukes of Austria should have made every effort to punish the rebellious burghers. A desultory warfare ensued, made intermittent by the struggle which Duke Albrecht was waging with Adolf of Nassau for the crown. In the end the citizens were brought into subjection, but their alliance with Uri, Schwiz, and Unterwalden remained intact, as far as can be ascertained from the meagre tidings of the conflict which have reached us.

Another danger menaced Luzern in 1343, this time from within. It appears that a party was organized in opposition to what we may call the patriotic one, with the purpose of destroying the league and bringing the city once more under Austria's sway. Little is known of this movement from documentary evidence. The chronicler, Etterlin, in his "Kronika

von der loblichen Eidgnoschaft," relates the following story, showing how the designs of the conspirators were frustrated by the patriotism of a boy who overheard their deliberations. Whatever may be the untrustworthiness of this incident from a strictly historical standpoint, it is not devoid of a picturesque charm.

The conspirators were holding a conclave in a vault under the Tailor's Guild house, when a boy happened to pass that way. "Hearing the sound of muttering," writes Etterlin, "and the clashing of arms, he was afraid and thought the place haunted, and turned to flee; but some men gave chase, and held him fast. They threatened his life, that he should tell no man what he had seen. He promised and went with them. And thus he heard their deliberations. And when no one more gave heed unto him, he quietly crept from thence, went up the steps by the house of the tailors into the street, and looked about if he might see a light. This he saw in the Guild room of the butchers, where the men were wont to sit up later than in other rooms. He went in and saw many men drinking and playing. Here he sat him down behind the stove, and began to say: 'Oh! stove, stove!' But no one gave heed unto him. Then cried he again: 'Oh! stove, stove! May I speak?' The men now became aware of his presence, mocked him, and thought him mad, and asked him who he was, and what he wanted. 'Oh! nothing, nothing,' was his answer. Then began he a third time and said: 'Oh! stove, stove! I must make my complaint to thee, since I may speak to no man — to-night there are men gathered under the great vault at the corner, who are going to commit murder.' As soon as the men heard that, they ran out in haste, gave the alarm, made prisoners of the conspirators, and forced them to swear fealty." [1]

The above episode in the history of Luzern is known as the Night of the Massacre (*Mordnacht*). Recent Swiss historians are inclined to regard it as legendary, on account of its close

[1] Dändliker, K. Geschichte. p. 423.

resemblance to a whole collection of German legends. Be that as it may, there can be no doubt that Luzern at the time under consideration passed through an internal crisis of some sort which resulted in the triumph of the patriotic party.

The league of the Four Forest States had now resisted successfully the assaults of the enemy from without and within. Its maintenance was, therefore, more than ever assured. With the prestige conferred upon it by the presence of a city amid its members, the Confederation could enter upon the task of absorbing other important communities on its borders, for it was destined, in time, to embrace all the little states which hid amongst the Alps, and all the cities which clustered on their sloping plains, as far east and north as the Rhine, as far west as the Jura range, and as far south as the Italian lakes.

CHAPTER XII.

ZÜRICH.

NINETEEN years elapsed before the Confederation received any new additions, but after this interval, as if to make up for lost time, four members were admitted in rapid succession.

Of these the first was Zürich, the free city, whose rise in the East of Switzerland offers the student of municipalities one of the most interesting subjects to which he can devote himself.

Zürich is unquestionably of greater antiquity than Luzern. Traces of lake-dwelling settlements have been found in the whole neighborhood, and during the Helveto-Roman period it was known as Turicum, a small customs-station for the regulation of trade flowing from Gaul to Raetia and vice versa. All traces of the place, however, are lost throughout that time of savage gloom which settled upon the whole of what is now German Switzerland after the invasion of the Alamanni, so that when it reappears in the 9th century, it presents quite another aspect.

Four separate settlements could be distinguished as occupying the ground whereon the modern city stands. An imperial castle, or *Pfalz*, stood on the eminence now called Lindenhof, surrounded by dependents who were designated as *fiscalini* in the legal phraseology of the day; a minster, the present Grossmünster, with an Institute of Canons and a cloister school attached, had attracted another group of dependents, named *ministeriales*, to the right bank of the river Limmat: and the Abbey of Nuns, the Fraumünster, founded by Ludwig the German, in 853, had likewise drawn a group to the left bank.

Finally a fourth settlement, a community of free Alamanni, lived at the foot of the Zürichberg.

According to feudal regulations, these four settlements were differently governed. The Pfalz was subject to an imperial bailiff, the two church foundations to a steward, and the free Alamanni to the Count of the Zürichgau. Medieval Zürich arose from the mingling of these four elements into one, a process which was initiated by placing them all under one bailiff, representing the emperor, and turning the whole into an administrative district known as the imperial bailiwick of Zürich. As a result of this method of simplification the city came into possession of the *Reichsunmittelbarkeit*, assuming an exceptional position in the Zürichgau, within whose boundaries it was situated.

The office of imperial bailiff became hereditary in the families of Lenzburg and Zaeringen consecutively. Upon the death of the last Duke of Zaeringen it reverted to the empire, and Frederic II. decided that it should no longer be inherited from father to son, but that, subject to his approval, it should be awarded to a citizen from the ranks of aristocracy, chosen by the citizens themselves. After obtaining this very important privilege, Zürich sought to curtail the powers of the Abbess of the Fraumünster, who still enjoyed many constitutional rights in the city. She appointed a Schultheiss to try minor cases, controlled the customs and market duties, and regulated municipal coinage, weights and measures. Nor was the result of such prerogatives by any means insignificant.

Zürich's position gave it special importance as a commercial centre between Italy and Germany; its regular markets attracted buyers and sellers; its sanctuaries worshippers; its silk industry, introduced from Lombardy under the Hohenstauffen emperors, brought artisans; and the frequent visits of these same emperors added to its prestige. The chronicler Otto von Freising called it "*Turegum nobilissimum Sueviæ oppidum*," and quoted an ancient inscription over one of the city gates, "*Nobile Turegum, multarum copia rerum.*"

A great part of the revenue of this prosperous city flowed into the coffers of the Abbess, who, at the same time, was entitled to the designation of a princess of the realm. But the remedy for this excessive power lay near at hand. It had been the custom for successive Abbesses to summon a council of advisors, chosen from the aristocracy of the city, to help them in the management of their affairs. In Zürich, as in other cities, the council soon became the agent of the citizens in forwarding their interests and helping them in their aspirations after self-government.

During the struggle between the empire and the papacy, this council succeeded in curtailing and absorbing the rights of the Abbess and the Schultheiss, and even in diminishing those of the imperial bailiff, so that the Princess-Abbess sank into political insignificance, and Zürich flourished as a free city of the German Empire. In 1304, a compilation of laws, begun under Rudolf of Habsburg, was brought to a close, and styled "The Brief of Rights of the Burghers of Zürich." It proves conclusively that the city, at that time, already enjoyed a position of great independence, for the council appears as a sovereign body with extraordinary powers, both legislative, executive and judiciary.

Such was the origin and growth of Zürich, and such the state of its affairs, internally and externally, when, toward the beginning of the fourteenth century, a great revolutionary storm, which had long been brewing, burst forth and shook the city to its foundations.

It was this social and political revolution which indirectly led to a definite alliance between Zürich and the Forest States.

When Zürich has been described in these pages as a free city of the German Empire, it must not be supposed that the term *free*, as applied to a city in the Middle Ages, meant that all its inhabitants enjoyed equal political rights. Such ideas were foreign to the medieval conception of the state, and altogether at variance with the spirit of the age. It is true a free city was exempt from the control of the count or bailiff,

and empowered to regulate its private affairs, but that did not imply that all its citizens possessed a voice in the government.

Generally speaking there were three great classes in every city: 1, the nobility; 2, the simple free burghers; and 3, the working men, *i. e.* the artisans and common laborers. Only the first two classes, known together as Old Burghers, had any political rights, the third having no share in the government whatsoever, for they were neither eligible to office themselves, nor permitted to vote for others — a political condition admirably expressed by the German term, "*nicht regiments-fähig.*" In fact something of that relation which existed between the Patricians and Plebeians of Rome was repeated in the medieval cities of the German Empire between the Old Burghers and the oppressed working classes. But the time came when commerce and manufacturing enterprises made giant strides, owing chiefly to the intercourse with the Byzantine Empire, which followed in the devastating track of the Crusades, when, as a consequence, the demand for artisans and laborers increased, and their importance to the community was acknowledged. They became aware of the injustice inflicted upon them by the idle governing class; they saw that their political condition had not kept pace with their general advance in the direction of wealth and influence.

At the time of the popular rising in Zürich, the form of government which obtained was oligarchical; the supreme authority being represented by a council composed of thirty-six Old Burghers, divided into three groups of twelve, each of which governed for a third of the year. As the people at large were not eligible to office, nor permitted to vote, the governing class could award the places in the council to suit their particular interests, and needed not to be over scrupulous in the manner in which they secured the necessary votes. In the end the council lost the confidence, not only of the workingmen, but also of a part of the Old Burghers: it was accused of recruiting its numbers from bad sources, and of corrupt dealings in its administration, especially in regard

to the revenues. There was a widespread feeling of discontent and indignation, an outspoken desire for a change which would give all the inhabitants of the city a voice in its government. What was needed was a leader, a man who would know how to unite the disaffected amongst the governing class with the great mass of working men, clamoring for a reform on democratic lines. The popular party found the required leader in Rudolf Brun, himself a descendant of one of the oldest families, and a member of the council.

Interesting as is this great historical personage, conspicuous, not only in the annals of Zürich and Switzerland, but also in those of Europe in the fourteenth century, it is surprising how little definite knowledge we have, either of his early history, or of the reasons which led him to take up the rôle of reformer. He was fifty years of age when these stormy events in his native city brought him to the front, but no definite information has reached us of his life prior to this time, except a somewhat disgraceful escapade which happened while he was a member of the Council. It appears from the records, that he and a fellow Councillor, Rudolf Biber, were condemned upon one occasion to pay a heavy fine of 550 pounds, for having given offence to a lady of the aristocracy, a Frau von Lunkhofen. What their crime had been, will probably always remain a mystery, whether it was actually of a scandalous nature, or simply an outbreak of rudeness; but judging from the size of the fine, the former supposition seems to be the correct one. Some historians have argued that Brun was actuated by revenge for this humiliation in espousing the cause of the working men against the class to which he himself belonged; perhaps this consideration exerted some influence upon his choice of party, but, if personal motives were present, they were more probably those common to all strong, commanding natures, such as Brun's proved itself to be: love of power and the hope of fame.

Only the general features of the uprising can be gathered

from Johannes Vitoduranus, or from Eberhard Mülner, an aristocratic partisan of Brun, who wrote the Annals of Zürich. They say that the council was dismissed and banished from the city, that Brun was chosen Bürgermeister, and that guilds were instituted. It is easier to learn the extent of the changes made in the government by examining the terms of the new charter or constitution, the so-called "First Sworn Brief," which was solemnly accepted by the united burghers on the 16th of July, 1336. The document is full of interest on account of the glimpses it affords of the inner life of a typical medieval city.

First comes the announcement of the overthrow of the old council, the accusations brought against its members, and their unfitness ever again to hold office. It was then agreed that the whole population, "Knights, Nobles and Commons," rich and poor, should swear to serve and obey the Bürgermeister in all things, even unto death, and that this oath should supersede all others, without, however, violating the rights of the sovereign of the German Empire, and of the two church foundations in the city. The Bürgermeister, on his side, must swear to protect all the citizens, according to the best of his ability without distinction of rich or poor.

The new council was to be elected in a manner hitherto unknown, the male population of the city being divided for this purpose into two great electoral bodies. The classification adopted was sufficiently singular to make an explanation interesting. In the first class were the knights, the nobles, and those burghers who lived on their incomes, or were in business as merchants, woolen-drapers, money-changers, goldsmiths, and dealers in salt. Together they formed an association called "The Konstaffel,"[1] and represented the aristocracy of rank and wealth in the city. The working men were relegated to the second class, and grouped into thirteen Guilds or Fraternities. It is worth while to enumerate the various crafts, because they afford an insight into social and indus-

[1] A corruption of the Latin *comes stabuli.*

trial conditions of the fourteenth century which one could not otherwise obtain.

The first guild comprised the shop-keepers, and commercial travelers. The second — cloth-cutters, tailors, and furriers. The third — tavern-keepers, wine-vendors, tapsters, saddlers, painters, and petty dealers, or brokers. The fourth — bakers and millers. The fifth — wool-weavers, wool-beaters, makers of grey cloth, and hatters. The sixth — linen-weavers, linen-drapers, and bleachers. The seventh — smiths, sword-cutlers, pewterers, bell founders, tin-smiths, armorers, barbers and bathmen. The eighth — tanners, and dressers of parchment and white leather. The ninth — butchers, and those who buy cattle in the country and drive them to the shambles. The tenth — shoemakers. The eleventh — carpenters, masons, cartwrights, turners, timber-dealers, coopers, and vine-dressers. The twelfth — fishermen, boatmen, cartmen, rope-makers and porters. The thirteenth — gardeners, oil-men and peddlers.[1]

Besides the purely technical duties which naturally belonged to these guilds, such as the regulation of the quality and quantity of work to be done, and the supervision over the relations between masterworkmen, journeymen and apprentices, this "Brief" also conferred military and political duties upon them They were organized into companies, each with a banner, and were kept ready drilled and armed to defend the city at a moment's notice. Twice a year the guilds proceeded to the election of guildmasters (*Zunftmeister*), and the thirteen guildmasters became *ex-officio* members of the council, thirteen others being chosen from the Konstaffel, so that the full membership was twenty-six.

On extraordinary occasions the advice of a larger body of citizens, a sort of popular assembly, could be consulted.

Of course such a document did not convert Zürich into a democratic community, for the Bürgermeister stands forth in the light of an irresponsible ruler, a dictator to whom all must swear fealty. His office is assured to him for life in return for a vague promise of impartiality in the administration of his

[1] Oechsli, W. Quellenbuch. p. 75.

office. Viewed from a modern standpoint, therefore, this "First Sworn Brief" is almost monarchical in its conservatism. At the same time its provisions seem to have been well suited to the requirements of the age, for they remained in force, with few alterations, until the spirit evoked by the French revolution wrought more than one change in Europe. Furthermore, the guilds were as natural an expression of the aspirations of the workingmen for fuller recognition, as are the trades unions of to-day. They accomplished their purpose to a certain extent, especially during the earlier stages of the movement. It was only when the guilds began to tyrannize over society by securing a monopoly of labor, that they grew corrupt, and were generally done away with as dangerous nuisances.

No sooner, however, was the storm allayed in the city, than a new danger presented itself from without. The deposed party found a ready sympathizer in Count John of Rapperswil, in whose little city at the upper end of Lake Zürich they gathered in such numbers as to make of it a second or outer Zürich. Encounters between the rival parties became of frequent occurrence, until Count John himself was slain in an engagement at the stronghold of Grinau. Then Duke Albrecht of Austria, a kinsman to the late Count, seconded by the emperor, interposed and forced the combatants to come to terms. But this enforced peace did not prove very lasting.

On the night of the 23d of February, 1350, an attack was made upon Zürich under the leadership of the son of the slain Count of Rapperswil. It was intended to be a surprise, but Brun had been warned in time to take the necessary precautions. At a preconcerted signal the loyal citizens and guilds poured forth from their houses, encountered the conspirators, and in the ensuing street fight made prisoners of the Count of Rapperswil and the principal ring-leaders.

This episode is known as the Zürich "Night of Massacre." It was followed by acts of the greatest cruelty; eighteen of the prisoners were tortured on the wheel, and seventeen decapitated, their names all being enumerated by Eberhard

Mülner in his account of the massacre. The little city of Rapperswil was likewise forced into submission, the castle destroyed, and many houses burned to the ground. Then Brun placed himself at the head of an army, and devastated the whole region at the upper end of the lake, called the March, which was a fief of the house of Austria — an act calculated to aggravate the situation very perceptibly. For, as a result, Zürich soon found itself surrounded by a ring of enemies, consisting of the partisans of Austria from the whole country round about.

In this crisis Brun resorted to an expedient which was destined to be followed by far-reaching consequences in Swiss history — he sought the alliance of Austria's hereditary foe, the Forest States.

On the 1st of May, 1351, Zürich concluded a perpetual league with Luzern, Uri, Schwiz, and Unterwalden, thus entering the Confederation as the fifth member.

Heretofore the city had followed the dictates of self-interest in matters of foreign policy with little regard for appearances, casting its influence now on one side now on the other in the strife between Austria and the Forest States. Rudolf of Habsburg, while still a simple Count, had given his support to the citizens in their little wars with the surrounding nobles, but no sooner was he dead, than we find them joining Uri and Schwiz in an alliance against his descendants. Again, at the battle of Morgarten a detachment from Zürich fought on the Austrian side, some of these soldiers being reported as killed in that famous engagement.

But hereafter Zürich stood pledged to make common cause with the Forest States against Austria.

The contracting parties promised each other to render assistance upon receipt of a warning call, as in the league between Luzern and the three States. But in this document a definite area was prescribed, within which such assistance could be claimed. It was bounded on the south

and west by the river Aar, from its source on the Grimsel Pass to its mouth; on the north by the Rhine; on the east by a line which followed the river Thur from its mouth to its source, crossed over to the St. Gothard group, and back again to the Grimsel. In this surprisingly wide area were included all the roads and passes which were of commercial importance to the Confederates.

The Abbey of Einsiedeln was selected as a convenient place of meeting in case of consultations or of quarrels between Zürich and the Forest States. Arbitration was to be the method of adjusting disputes.

Two clauses in the league deserve especial notice:

The first stipulated that the contracting parties reserved to themselves the right of entering into separate alliances, if they saw fit to do so, although the present league was to precede all others. The second, that the Four Forest States must pledge themselves to help maintain the then existing form of government in Zürich, if their assistance toward this end should be requested.[1]

The hand of Brun can be distinctly traced in the framing of these two clauses. They were unmistakably to his personal advantage. For, if at any time an opportunity presented itself of effecting a reconciliation with Austria, he could manage to do so without violating the letter of the league by virtue of the first clause. Or, again, if danger arose from within the city, from any attempts to restore the old system of government, Brun could array the whole strength of the Four States against any such movement by virtue of the second.

In passing judgment upon the general value and purport of the above document, the fatal weakness of allowing the parties to enter into separate alliances, becomes at once apparent. It is difficult to understand how the Forest States could have been persuaded to have such a permission inserted, especially as this question had been so carefully

[1] Oechsli, W. Quellenbuch. p. 86.

settled in the Luzern League. Considered from the point of view of statesmanship, the clause was a mistake, and was certain to cause dissensions sooner or later amongst the Confederates. That the league was not a perfectly impartial instrument is further shown by the fact that, although Zürich's present form of government was virtually guaranteed by the Forest States, the reverse was by no means true, *i. e.* Zürich was under no obligations whatever to uphold the constitutions of the Forest States.

But, in treating of the constitutional enactments of the early Swiss, one must remember that they did not draw up their agreements in accordance with any regular theories of government. They did not consciously base them upon the study either of historical precedents or of philosophical systems; on the contrary their acts were experiments, and in their leagues they embodied only those principles which experience had demonstrated to be sound and feasible. Their statecraft was crude, according to modern standards, their blunders costly. But they were solving the perplexing problems of federalism, as a system of government, without help or example. They had yet to learn that their union must be complete and absolute to be enduring. Nor could they foresee the greatness of the structure they were erecting, or appreciate the importance of making its foundations so exceptionally secure.

CHAPTER XIII.

GLARUS AND ZUG.

WAR followed close upon Zürich's union with the Four Forest States, a long-drawn, wearisome contest with the Dukes of Austria, and at times even with the sovereign of the German Empire. During this period Zürich was thrice besieged, each time with indifferent success, three formal declarations of peace were signed, and three new members added to the Confederation, so that in the end the war was not barren of results.

But the perusal of this desultory warfare, full of uninteresting details, is by no means an agreeable task, nor the duty of the writer an easy one to present the salient features in such a manner as to leave a distinct impression upon the mind of the reader.

Duke Albrecht, surnamed the Wise or the Lame, felt that the recent behavior of Zürich toward his kinsman, the Count of Rapperswil, who was still in prison, called for prompt measures. In punishing Zürich he hoped also to strike a blow at the Forest States, thus settling an account of long standing, which had accumulated since the humiliating defeat at Morgarten. Luzern's action in joining the victors only served to intensify his feeling of bitterness, so that to him the approaching conflict seemed a day of reckoning, which had already been too long deferred.

But no sooner had he gathered an army around Zürich than he was himself called away to Vienna by the death of his wife. After a fruitless effort at reconciliation the besiegers dis-

banded, and the Confederates turned the tables upon them by taking the offensive against the partisans of Austria in all directions.

It was on one of their flying expeditions, that the Confederates marched into the valley of Glarus, and won over the inhabitants to their cause against Austria, the mutual enemy.

As a matter of fact Glarus had of necessity been influenced by the fortunes and misfortunes of the Forest States from the very earliest times. Not only was it connected with Uri by the Urner Boden, and with Schwiz by the Pragel Pass, but it had also suffered with them from the same harsh and grasping policy on the part of the house of Habsburg-Austria. Especially is there a truly extraordinary resemblance between the physical features of Glarus and Uri, and their historical development.

On the map each appears as a long valley, walled in on either hand with lofty mountain ranges; the length of these two valleys is almost identical and they run in parallel lines toward the north; each is blocked at its southern extremity by a great mountain group, Glarus by the Todi and Uri by the St. Gothard; and each opens out upon a lake at its northern end, the former upon the Walensee, the latter upon the lake of Luzern.

The similarity in their early history is simply astonishing.

Glarus, the name being probably a corruption of Hilarius, the patron saint of the valley, was deeded at some unknown date in the eighth or ninth centuries to the Abbey of Nuns at Seckingen on the Rhine, probably by one of the German sovereigns. It enjoyed the privilege of the immunity by virtue of its position as ecclesiastical property. The steward of Seckingen administered the higher justice, while a Mayor adjudged lesser cases. There was the same diversity of political conditions in Glarus as in Uri, of native nobles, simple freemen, and serfs; but all alike shared in the Almend and were required to attend court, which was held under the oak at the village of Glarus — *in valle Clarona sub quercu*, as was written on the sentences which were there delivered. In time the

office of Mayor ceased to be awarded to strangers, and even became hereditary in the native family of Tschudi.

But with the growth of the Habsburg power, a change came over the condition of Glarus. While still a simple count, Rudolf of Habsburg had inherited the office of Steward of Seckingen, and during his reign as emperor had persuaded the Abbess to award the office of Mayor to his sons. As a result Glarus lost the advantages accruing from the immunity, and practically became the personal property of the family of Habsburg-Austria.

That the inhabitants deeply resented these changes as injurious to their liberties, may be inferred from the fact that when they were summoned to join the Austrian forces at Morgarten, they absolutely refused to do so. They seized the opportunity of putting on record a protest against their anomalous position, declaring in no uncertain terms that they were the subjects of the Abbess of Seckingen, not of Austria; that she alone could call them to arms, and that they had no part in Austria's quarrels.

In order to offset the latter's power, Glarus entered into a temporary alliance with Schwiz, in 1323, her sympathies for the Forest States growing as Austria's enmity became more pronounced. When, therefore, the Confederates burst into the valley, in 1351, they found a population exasperated by bad treatment, and ready to make common cause with them.

On the 4th of June, 1352, Glarus concluded a perpetual league with Zürich, Uri, Schwiz, and Unterwalden, thus becoming the sixth member of the Confederation. Luzern, for reasons which are not clear, decided not to take part in this new compact.

As for the document drawn up on this occasion, it makes an unfortunate departure in the relations between the members of the Confederation. Glarus was assigned a distinctly inferior position and given no voice whatever in matters of common interest. It was agreed, for instance, that if Glarus was threatened by any danger, it should issue the customary

summons, but the Confederates were not bound to render aid if, upon examination they found that the grievance complained of did not in their opinion justify armed interference. On the other hand the new member was pledged to respond to every official call for help from the other Confederates, without investigation. To this manifest injustice was added the further one that, whereas Zürich, Uri, Schwiz, and Unterwalden were privileged to contract separate alliances without the knowledge or consent of Glarus, the latter was strictly forbidto do the same thing. Special places were then selected where disputes between the various contracting parties could be amicably settled.[1]

There is no reason to suppose that the men who framed the above contract had any perception of the danger which inhered in so biased an organization. The five Confederated States doubtless argued that a community which had been rescued from Austrian tyranny by their exertions, ought to be content to take up a subordinate position. They could not realize the evil character of the precedent they had set, nor foresee the misunderstandings which their example was destined to foster amid the Confederates of the future.

A few days after the admission of Glarus, the victorious army proceeded to take possession of a strip of land, also subject to Austria, which by reason of its position, was of the utmost strategic value to both sides in the present war. This was the little district of Zug, now the smallest of the Swiss Cantons. Reference to the map will show that it enters like a wedge between Zürich and the Forest States, and in the hands of a hostile power would effectually separate their armies, making joint operations extremely difficult. The Confederates were fully alive to this danger when they entered Zug, nor were they altogether indifferent to the fertility of the country, for it is a land of soft contours, where views of green fields and smiling orchards alternate with lake scenery of a peculiarly lovely description — the home of peaceful charms and rustic contentment.

[1] Oechsli, W. Quellenbuch. p. 92.

What is now comprised by the Canton was at that time divided into two parts — the city proper of Zug, which enjoyed regular municipal privileges, and the surrounding country, the so-called Outer District, comprising the communities of Baar, Menzingen and Aegeri. Austria had absorbed the entire government of these two parts. The townsmen did not surrender until after a siege of fifteen days, while the country people submitted willingly, being already heartily in sympathy with the Confederates. According to Eberhard Mülner, the townsmen had, in fact, sent messengers to Duke Albrecht, entreating him to send help, but had received an evasive answer.

On the 27th of June, 1352, the city and district of Zug concluded a perpetual league with Zürich, Luzern, Uri, Schwiz, and Unterwalden, thereby entering the Confederation as the seventh member. The name of Glarus does not appear amongst the contracting parties. The document itself was copied almost word for word from the one signed at Zürich's admission, and secured to Zug a position equal in all respects to the other Confederates.[1]

It must not be supposed, however, that Duke Albrecht allowed these victories to pass unnoticed. As soon as he could return to the scene of operations, he straightway began to make preparations for a grand assault upon Zürich and her allies, securing the services of some great nobles, such as the Margrave Ludwig of Brandenburg and Count Eberhard of Württemburg. The latter was entrusted with the supreme command, for Duke Albrecht himself appears to have been incapacitated for the work of military leadership by bodily infirmity.

Somehow this large army accomplished very little against Zürich. The city was strongly fortified and ably defended, and the siege languished unaccountably until finally the Count of Württemburg discovered that a party in his camp had been making secret overtures of peace. He therefore withdrew, the attacking force gradually disbanded, and the Margrave of

[1] Oechsli, W. Quellenbuch. p. 95.

Brandenburg was entrusted with the task of drawing up articles of peace with the Confederates.

Contrary to what might have been expected the so-called peace of Brandenburg proved to be a pronounced diplomatic success for Austria. Both parties pledged themselves to restore all territory gained in the course of the war, thus Glarus and Zug once more became subject to the enemy, although their leagues with the Confederates were not finally repealed. Luzern also agreed to submit to the Austrian dominion, as it had existed before the war. Even Schwiz and Unterwalden guaranteed the inviolability of the proprietary rights of Habsburg within their borders. The Confederates were for the future not to enter into alliance with Austrian subjects. Count John of Rapperswil was finally released from prison, and Zürich even paid a large sum for return of hostages, which the city had given Duke Albrecht in the course of the war.

Such conditions are set by victors to the vanquished, not by equals to equals, as the combatants had proved themselves to be. One is at a loss to account for the tone of these articles, which seem to take for granted that the Confederates had been defeated.

Perhaps Brun's ambition was at fault. His desire for a reconciliation with Austria was at times thrust into the background by the exigencies of Zürich's position, but it was never wholly abandoned, for he was always willing to sacrifice the interests of his Confederate allies, if he could but make sure of Austria's friendship.

A peaceful moment followed the conclusion of this treaty, a lull in the hostilities, during which the Confederation, as though to make up for the diplomatic defeat just sustained, was strengthened by the addition of a new member — Bern. The city, which is to-day the capital of Switzerland, and was already then a military stronghold of recognized importance on the confines of ancient Burgundy and Alamannia, came as a welcome friend in time of need. Nor was Bern's admission

in any sense a violation of that article of the peace of Brandenburg which forbade the Confederation to contract alliances with the subjects of Austria, since Bern was a free city of the empire in no way subject to that power.

Before considering the immediate results of this act, it will be necessary to review Bern's growth from an obscure fortress into a prosperous city, keeping in mind that the struggle between the Confederates and Austria was by no means at an end, a struggle which has been justly described at the opening of the chapter as long drawn and wearisome.

CHAPTER XIV.

BERN.

WHILE Zürich was fast becoming the controlling power in the East of the region now known as Switzerland, Bern was beginning to occupy a similar position in the West.

But it is interesting to notice how the different causes which gave rise to the two cities, also left a peculiar impression upon the character of their inhabitants, and seemed from the first to give them different missions to fulfill. Zürich grew to importance as a centre of trade, and its population was engaged for the most part in the peaceful pursuits of manufacturing and commerce, but Bern was founded by Berchtold V., Duke of Zaeringen, to be a military stronghold and bulwark against aggressive neighbors, so that the Bernese were by nature more inclined to war, always displaying the greatest confidence in their own martial powers. This characteristic trait serves to explain more than one peculiarity in the general history of the city.

Bern came into possession of the *Reichsunmittelbarkeit* at the extinction of the family of Zaeringen, probably because the soil on which it stood belonged to the empire. The earliest charter which has reached us, the basis of Bern's municipal government, is the *Goldene Handveste*, so-called because of the seal of beaten gold which is attached to it. When the citizens laid this document before Rudolf of Habsburg, in 1274, for his confirmation, they claimed that it had been granted to them by Frederic II., in 1218. Historians now generally doubt the accuracy of this statement, and are inclined to think that the *Handveste* simply represented a body of law which had accu-

mulated since Frederic's time. However that may be, Rudolf undoubtedly gave his sanction to its various provisions.

In many respects it presents an excellent picture of a peculiar kind of municipal government in the Middle Ages.

In the first place the imperial immunity is assured to the city as well as exemption from all imperial taxation except an annual homestead tax. The citizens are allowed a mint and market of their own, and the privilege of electing all their municipal officers, from the Schultheiss to the Sheriff. By an exceptional arrangement the Schultheiss had exercised for many years all the powers which naturally belonged to the imperial bailiff, although officials with the later title appeared in Bern until the beginning of the fourteenth century, so that this privilege of election in reality meant a great deal to the citizens. Furthermore, they were not to be required to render military assistance at any place so far removed that they could not return to their homes the following night. Suitable quarters must be provided for the sovereign's suite, whenever he visited the city. Subsequent articles deal with the right of holding real estate, with the acquirement of citizenship (*Bürgerrecht*), and the administration of justice. Minute regulations follow relating to criminal law, especially to the settling of wrongs by duel. Every male who had completed his fourteenth year could exercise the rights of a citizen, and was at that age required to swear fealty to the city and the empire.[1]

In 1295, Bern's municipal government was altered by the introduction of certain popular reforms. In addition to the Schultheiss and council of twelve, a sort of board of control of sixteen was to be chosen from the four wards of the city. This body was in turn empowered to elect a common council of two hundred. Artisans, hitherto unrepresented, were eligible to the board of control and common council, but guilds, as they existed in Zürich, were strictly forbidden. In spite of these reforms, the government remained essentially aristocratic and military, while the tendency of Zürich was manifestly democratic and industrial.

[1] Oechsli, W. Quellenbuch. p. 27.

Bern was now fully equipped for carrying out some definite policy in the fertile Aar valley in which it was situated, and this policy was one of conquest and aggression, as might be expected. It was the aim of the city to unite the towns and communities of the valley into one Commonwealth, to create a little republic.

History shows that this plan was successful in the end, but not until many years had passed and much blood had flowed, for here, as elsewhere in Switzerland, the efforts of the people to unite in leagues was opposed by the great common enemy, Habsburg-Austria. Indeed the history of the Aar valley for the next hundred years and more is the history of the struggle between the partisans of Bern and Austria for the mastery. It was a struggle, in which the rising city, in spite of occasional reverses, gained steadily against the feudal nobles, and in so far aided the cause of the people against their oppressors.

Bern's foreign policy had, up to this time, vacillated between adherence to Savoy and Habsburg; hereafter, it was to be marked by a vigorous independence.

In 1243, a perpetual league had been concluded with Fribourg, and on different occasions since then temporary alliances had been formed with Luzern, with the bishop of Sion, the valley of Hasle, and the city of Solothurn. But in 1298, Fribourg, having become a confirmed partisan of Austria, renounced its friendship with Bern, and made an attack upon the city with the help of certain noblemen. The Bernese anticipating the assault, marched forth from their walls, drove the enemy from the position they had taken on the so-called Dornbühl, and inflicted a severe defeat upon them further on at Oberwangen. Following up this victory, the citizens destroyed many of the neighboring castles, renewed alliances under advantageous terms with old friends, or formed treaties with new ones.

In 1308, followed a perpetual league with the city of Solothurn, at that time enjoying the position of a free city of the empire.

Solothurn, was the ancient Helveto-Roman Salodurum, risen from the ruins into which it had fallen at the time of the invasion of the Alamanni. As the seat of an institute of Canons, dedicated to St. Ursus, a martyr of the Theban legion, the place won considerable renown in the tenth century. It possessed the *Reichsunmittelbarkeit*, and the citizens seem to have acquired the right of electing their Schultheiss and council, but by steps which are not yet clearly understood.

In the meantime, Austria was carrying out a plan of aggrandizement in another quarter. By one means or another that power obtained control of the line of communication between Bern and the Forest States by way of Thun, Unterseen, and the Brünig Pass.

A branch of the family of Kiburg had its seat at Thun, but was now fast sinking under financial difficulties into utter helplessness. Hartmann, the elder brother, sided with Austria, while Eberhard, the younger, looked to Bern to give him the leadership in the family. On the night of All Saints, 1322, the two brothers quarrelled while discussing their affairs in the Castle of Thun, flew to arms, and Hartmann was killed in the resulting scuffle.

This was the signal for the rival supporters of Kiburg, Bern and Austria, to strain every nerve in order to gain control over the remaining brother. A period of the utmost confusion ensued. In 1323, Bern sought the alliance of the Forest States, an important event in Swiss history, although its lasting consequences were not immediately apparent. In 1332, a regular war broke out for the possession of Gümminen, a stronghold of strategic value to the rival powers.

Bern was feeling the exaltation of success, and strode from one conquest to another. The eyes of her martial citizens were now turned upon the Oberland, that district of unmatched grandeur to which modern tourists now flock by thousands every year.

In the first part of the fourteenth century, the Oberland was subject to a variety of masters. The Lords of Weissenburg

ruled over the Simmenthal and the valley of the Hasle; the Counts of Gruyères possessed the upper valley of the Saane, (Sarine); in the valley of the Kander at Frutigen were the nobles, Thurn von Gestelen, natives of the Valais; and at Spiez, the decaying house of Strättlingen. These families were closely united by intermarriage, and acted in conjunction for the interests of Austria. After repeated quarrels with the Lords of Weissenburg, the Bernese finally, in 1334, attacked Wimmis, took it by storm, and destroyed the wall (*Letzi*), which blocked the entrance to the valley. The nobles of Weissenburg were forced to conclude a treaty with Bern and to become citizens of the city, as well as to give up their rights over the valley of Hasle. This peasant community had for centuries possessed the *Reichsunmittelbarkeit*; an Ammann, elected by the people themselves, or chosen from their midst by the Sovereign, had exercised complete jurisdiction. In fact, the valley of the Hasle was a potential Forest State, and would doubtless have developed into an independent member of the Swiss Confederation, had not Henry VII. granted it as a forfeit to the Lords of Weissenburg, in 1310. Nor was the position of the community sensibly improved, when, in 1334, the possessions of those nobles passed into the grasp of Bern.

But these events were watched with growing anxiety by the partisans of Austria. Little by little, the surrounding nobles formed themselves into a coalition inspired by one thought, and impelled by one purpose, to overthrow the rising community of Burghers in Bern, who were threatening to absorb the whole region between the lakes of Geneva, Morat, and Thun. In this task they found Fribourg a willing tool, or rather a determined leader, for this city was devoured by a jealousy which grew in proportion as Bern gained new territory and overshadowed her sister city on the Sarine. A new element in the strife was added when the Emperor Ludwig, whose election Bern and Solothurn obstinately refused to acknowledge, on account of their attachment to the papal

cause, gave his sanction to the efforts of the nobles to crush the disobedient city. This new complexion of affairs gave the coalition the moral support which it had lacked up to that time. Bern found herself almost deserted. The city could only count upon comparatively small contingents from the Oberland and from the Forest States, the latter being pledged to support by virtue of the alliance of 1323. Solothurn, threatened as it was by the same coalition, could only send a handful of men.

Operations began with an incursion into Bernese territory made by Count Gerhard of Valengin. Then the citizens sent a garrison of 600 men to hold Laupen, which was, in point of fact, the key to their defence. The garrison was to defend that stronghold until Bern could collect its allies and march to the rescue, a feat of endurance which was safely accomplished in the face of a besieging army, estimated at 16,000 infantry and 1,000 horsemen.

On the 21st of June, 1339, the Bernese and their allies, numbering, at the utmost, 6,000 men, hastened to the relief of Laupen. A parish priest, Theobald Baselwind, accompanied them, carrying the host and proclaiming the war as waged in behalf of the Pope against Emperor Ludwig, his adversary. They also wore white crosses as symbols of their holy cause. After traversing a forest they came out upon the height of the Bramberg, and saw the enemy in the plain below, occupying a position between them and Laupen.

The battle began in the afternoon with a heavy attack of infantry, led by the men of Fribourg, upon their hated rivals of the city of Bern. The latter seem to have yielded to the onslaught at first, but quickly recovering, they turned and repulsed the enemy, eventually putting the whole infantry to flight. In the meantime, the contingents from the Forest States had been waging an unequal contest with the hostile horsemen. With the help of the victorious Bernese, however, they succeeded in routing also the horsemen. Thus the day was won. The garrison of Laupen, waiting anxiously to learn

the result of the battle, was liberated with joy. The Forest States, on their part, received compensation for the share they had taken in the battle.

In the camp of the nobles there was great lamentation. Knights had come from Swabia, Elsass, the Aargau, and Burgundy; their loss was very great. There perished Count Louis of Vaud, the Count of Nidau, of Valengin, and John of Maggenberg, Schultheiss of Fribourg.

Historical criticism has been much busied with regard to the leadership of the Bernese troops at Laupen. There is still a question whether this honor must be ascribed to Rudolf von Erlach, or to the ruling Schultheiss, John von Bubenberg. The name of the leader is not mentioned in the oldest account of the battle, the so-called *Conflictus Laupensis*, written by an unknown contemporary citizen of Bern in the middle of the fourteenth century; nor in the *Cronica de Berno*, contained in the annals of the minster of St. Vincent. Justinger is the first to cite Erlach as the commander-in-chief, but his account is marred by certain well-established inaccuracies.

A particular importance attaches to this battle of Laupen from the fact that it gave an opportunity for the Bernese to co-operate with their friends of the Forest States against Austria. It was the first occasion on which the East and West of what is now Switzerland joined hands against a common enemy.

Not that the struggle against the coalition was ended, however, for a desultory warfare was maintained until 1342, when peace was definitely established with the Dukes of Austria.

Finally, in 1353, came the admission of Bern into the Swiss Confederation. A perpetual league was concluded with Uri, Schwiz, and Unterwalden; Zürich and Luzern alone, of the other States, taking any part in the contract.

The document setting forth the agreements made on this occasion was copied in part from the league concluded between the Forest States and Zürich. Minute regulations were estab-

lished to govern the issuing of a warning call, in case of danger. There was also a provision, resembling the one in the Zürich league, which virtually pledged the Forest States to guarantee the inviolability of Bernese territory, although Bern itself made no corresponding promise to them. It was only another case of short-sighted injustice on the part of the early Confederates, due, in a great measure, to Bern's superior diplomacy and prestige.

As for the rest, the general tenor of this document indicated the city's desire not to bind itself too closely to the policy of the allies, but rather to allow a wide margin for plans of its own. Zürich and Luzern were not admitted directly into this league, but it was agreed that in case the Forest States were called upon to help Zürich or Luzern, they might also issue a summons to Bern.

For the present, Bern's entrance into the Confederation did not lead to great results. The city took care not to become embroiled in the intermittent struggle which Zürich and the Forest States were waging against Austria, and at times even against the emperor himself; a struggle which had not yet come to an end, but was destined to be crowned by a triumph of such brilliancy as to startle the medieval world.

Bern thus closed the list of the Eight States which composed the early Confederation. One hundred and twenty-eight years were to elapse before another member was admitted.

CHAPTER XV.

INVASION OF THE GUGLER AND FEUD WITH KIBURG.

WAR begets war, and victory provokes retaliation. Duke Albrecht was not satisfied with the manner in which certain articles of the treaty of Brandenburg were carried out, and, therefore, lodged complaints with the reigning King, Charles IV., desiring him to interfere in his behalf. As a result the latter twice appeared in person at Zürich, in 1353 and 1354, in order to bring about an understanding between Austria and the Confederation. His efforts were all in vain. The citizens of Zürich and the delegates of the Forest States there assembled, received him with all the honors due to the sovereign of the empire, but the negotiations failed to produce satisfactory results. The demands urged by Albrecht's councillors, proved altogether unreasonable, and, if accepted, would have rendered null and void all the charters and leagues upon which the Confederation was based. Seeing that peaceful means were of no avail, Charles IV. and Albrecht prepared to lay seige to Zürich.

It was a critical moment in the history of the Confederates, for they had arrayed against them, not only the forces of their traditional enemy, but also those of the head of the empire. Their fate trembled in the balance, when the men of Zürich suddenly extricated themselves from this predicament by a clever strategem, doubtless suggested by their crafty Bürgermeister Brun. The Chronicler, Mülner, has described it in the following words: "As now they lay before our city, Zürich, with all power and great might, we planted high the imperial banner, and told the emperor that,

after all, we belonged to none but the Holy Empire, against which we would never act."[1] With this stroke the besieging army was dissolved, as if by magic. Charles could not well fight against his own banner, after this open submission, and was, moreover, delighted at any excuse for abandoning his thankless task. Albrecht, on the other hand, was not strong enough to gain a decisive battle single-handed, and was obliged, for the third time, to retire without having been able to punish Zürich. In 1355, conditions of peace were signed at Regensburg, which did not vary essentially from those negotiated by the Margrave of Brandenburg, three years before. In fact, Zürich actually entered into a separate alliance with Austria shortly after, and Bürgermeister Brun took the extraordinary step of becoming Privy Councillor to Duke Albrecht, in return for a handsome annual pension.

If Brun had continued to direct Zürich's policy much longer, it is difficult to understand how the young Confederation could have held together at all, one party filled with traditional distrust of Austria, and the other tending apparently to become steadily more submissive to the dictates of that power. But another era dawned, when the two men, who had contributed so largely to this anomalous state of affairs, followed each other, in quick succession, into the grave. Duke Albrecht succumbed in 1358, a man who, as Mülner says with charming impartiality, "had done much harm to us and our Confederates. He was lame, so that he had to be carried; nor could he ride except upon a horse-litter, and yet was an earnest, brave and undaunted man and master."[2] Brun only survived him two years, to trouble the internal peace of the Confederation by his absolute and abject submission to Austria.

Swiss historians have had a good deal to say about the private character and public life of this first Bürgermeister—some praising him for his clear insight into the peculiar needs

[1] Oechsli, W. Quellenbuch, p. 99.

[2] Dändliker, K. Geschichte. p. 482.

of his native city, and others calling him nothing short of a traitor to the cause of the Confederation. It is now generally conceded that he does not quite deserve so ugly a name. In the light of subsequent events, his conduct certainly appears disloyal to the interests of the Confederates, but, considering the dangers which beset Zürich in his day, and the purely local conception of patriotism which was characteristic of the middle ages, his offence seems less inexcusable than one might suppose. Brun was, undoubtedly, a diplomatist of talent, a born executive officer, but he was not what the world calls great. He lacked the perception of broad principles. He did not realize the position to which the Confederation would be called, or else he would have thrown the whole of his energy into the effort to develop it, instead of wasting his life in intrigue with Austria.

It seemed, at last, that the Confederates could start afresh with a distinct national policy. Charles IV., having quarreled with Duke Rudolf IV., Albrecht's successor, confirmed all the charters and leagues of the various States. In 1364, the men of Schwiz reconquered Zug from Austria, and in 1368, that power was forced to agree to the conditions imposed upon it by the peace of Thorberg.

If anything could demonstrate the reawakening of the Confederates to a full appreciation of their common interests, it was the so-called Priest's Charter (*Pfaffenbrief*), an instrument to which they all subscribed, except Bern and Glarus. Its special provisions will be dealt with in another chapter; suffice it here to relate the incident from which it arose.

It appears that the Schultheiss of Luzern, Peter von Gundoldingen, was returning, in the autumn of 1370 with several companions, from the annual fair in Zürich, when he was seized by order of Bruno Brun, a son of the late Bürgermeister, with whom he was involved in a lawsuit. Bruno Brun was, at that time, Provost of the Grossmünster and a zealous partisan of Austria, like his father. Although the affair was evidently a case of private revenge, it, nevertheless,

created a great sensation throughout the land, on account of the prominent personages who figured in it. Public opinion branded it as an offence against the sovereignty of Luzern; as a violation of the holy peace of markets, without which commerce would become an impossibility; and as the result of Austrian influence. In face of this popular storm, Bruno Brun attempted to escape punishment by appealing to an ecclesiastical court, but thereby merely precipitated a revolutionary movement in Zürich, which led to a democratic amendment in the city constitution, known as the *Zweitene Geschworene Brief* (Second Sworn Brief), and eventually to an agreement amongst the Confederates, which they called the Priest's Charter, from the peculiar cause of its origin.

In 1375, an unforeseen disaster spread terror and misery over certain districts of the Confederation. A noted free lance, Enguerrand (Ingram) de Coucy, called upon the Duke of Austria to pay him a sum of money which was due to his mother, Catherine of Austria, daughter of that Duke Leopold I., who had been defeated at Morgarten. His demands not being complied with, he determined to seize certain towns in the Aargau, which had originally been named as security for the payment of the sum in question. For this purpose he gathered about him a vast army, estimated at between 40,000 and 50,000, consisting principally of mercenaries, who had been thrown out of employment by the cessation of hostilities between England and France. Amongst them, also, a sprinkling of Welshmen, notably the redoubtable warrior, Ievan ap Eynion, who had been fighting against the English. The peasants styled the invaders Englishmen, or gave them the nickname of Gugler, on account of the cowls (*Kugelhüte*) many of them wore.

Enguerrand de Coucy entered the Aargau by way of Basel, crossed the Jura, and then allowed his troops to rove about far and wide over the plains, plundering and devastating with remorseless ardor. For a moment the whole country seemed at their mercy, especially as the Austrian officials offered no resistance. Then the people rose in self-defence. There was

a bloody engagement at Buttisholz, where, to this day, a hillock still goes by the name of Engländer Hügel, and finally the Bernese surprised a large detachment of the enemy at the monastery of Fraubrunnen, in a night attack. The survivors were forced to retire from the country after this defeat, and the war was over.

As for the rest, the invasion of the Gugler, although it created a great sensation at the time, was not productive of lasting results. A disturbance in another quarter soon demanded the attention of the Confederates.

The process of decay which had overtaken the once powerful family of Kiburg has already been noticed in a previous chapter. In 1382, however, Count Rudolf, a grandson of Eberhard, the fratricide, made a last and desperate attempt to retrieve the fortunes of his house by an attack upon Solothurn, with which city he had been involved in a long-drawn lawsuit. He conceived the idea of settling this dispute with the sword, in true knight-errant fashion; then, if successful in his undertakings, of extending his conquests over Bern and neighboring cities. Fortunately, the plan was betrayed and Solothurn was saved, but so general was the indignation aroused by the mere possibility of this dastardly act, that Solothurn, Bern, and contingents from the Forest States laid siege to Burgdorf and Olten, the principal towns in the Kiburg possessions. It is true they were not immediately successful in punishing the Count, for Austria came to his aid, contrary to express agreement, but later, at a conference held in Bern, Rudolf of Kiburg agreed to sell Burgdorf and Thun to the Bernese, thus accelerating the downfall of his house, which now sank into insignificance, and became extinct in 1415.

CHAPTER XVI.

THE BATTLE OF SEMPACH.[1]

THAT growth of unity, of a national policy amongst the Confederates, which had reasserted itself after Brun's death, now became continually more apparent, and, as before, took the shape of hostility toward Austria. A long list of grievances had nourished this hatred in the past; a harrowing warfare had been waged sullenly for years, without leading to a decisive result. It was evident that a conflict between the Confederation and the ducal house could no longer be averted; that two expanding forces, trying to occupy the same territory, must eventually come into open collision.

Duke Leopold III., nephew of the Leopold who was defeated at Morgarten, ruled over the western possessions of the Habsburg family, including those situated in what is now Swiss territory. In his efforts to extend and consolidate his authority in southern Germany, he had encountered the determined opposition of a coalition known as the League of the Swabian Cities. Seeing this, the Confederates hastened to ally themselves with the new league, in the hope of sweeping their hereditary enemy out of the country altogether. Had this alliance been of a firm and durable kind, the desired result might have been obtained; but it was weak and vacillating, unable, as subsequent events proved, to stand the test of actual warfare.

The signal for hostilities to begin came from an unexpected quarter — from that of Luzern. This city had been

[1] Appeared in part in "The Atlantic Monthly," April, 1891, under the title of "Arnold Winkelried at Sempach."

for some time in a false position, for, while nominally under Austrian dominion, it was practically self-governing, and, moreover, bound to Austria's implacable enemy by a perpetual league. There was a continual struggle between the two tendencies of allegiance to the ducal authorities and to the Confederation, going on within its walls. In 1385, democratic strivings began to manifest themselves in an unmistakable manner. The citizens set about demolishing the Austrian strongholds in their vicinity, liberating the peasantry from the control of the enemy's officials, and admitting them as fellow citizens to the enjoyment of their own charter. Thus the seat of the Austrian bailiff at Rothenburg was destroyed, the men of Entlebuch, a neighboring valley, were drawn into friendly relations, and the little city of Sempach received the rights of co-citizenship with Luzern.

Nor did the other Confederates remain quiet in the face of such enterprise. Zug attacked the castle of St. Andreas near Cham, Zürich marched against Rapperswil, and Schwiz took Einsiedeln.

When war seemed inevitable, they sent the customary summons to the Swabian cities, but the latter attempted to withdraw from the pledge to send help, and, in the end, left their allies to bear the brunt of the storm alone.

In June, 1386, Leopold organized the expedition with which he hoped to deal the Confederation a death-blow. Many well-known noblemen flocked to his standard, attracted by his knightly character and by the hope of inflicting a lasting punishment upon the insolent peasants. There were the margraves of Baden and Hochberg, and the counts of Hohen-Zollern, Nassau, and Habsburg-Lauffenburg; from Italy came the Marquis of Este with two hundred Milanese lances, and his brother-in-law, Duke Conrad of Theck. Leopold had also hired the services of several noted mercenary captains: the Duke of Lorraine; the Dutch Count of Salm; Lord Jean de Raye, who later became Marshal of France; Lord Jean de Vergy, Senechal and Marshal of Burgundy; and the same

Enguerrand de Coucy, who had fought in the French and English wars, and had shortly before invaded Switzerland at the head of plundering troops. It was Leopold's plan to penetrate at once to Luzern, the geographical centre of the Confederation, while diverting the enemy's attention by a reconnaissance upon Zürich; and, had his force been compact and available for immediate invasion, the issue of the war might have been very different. But a great part of his army did not reach the scene of action at all, so that only a comparatively small column made the disastrous march upon Luzern. From the little town of Brugg, near the ancestral castle of Habsburg, Leopold advanced by way of Zofingen and Willisau to Sursee, foolishly wasting more than a week of valuable time in stopping at Willisau to punish a refractory chatelaine for her allegiance to Bern. On the 9th of July, the main force finally rode along the northern shore of the Lake of Sempach, in order to reach Luzern by way of Rothenburg.

The battle-ground of Sempach, like that of Morgarten, is not situated amongst the high Alps, but in the undulating lowlands which lead up to them. A ten-mile ride in the train from Luzern and a short walk from the rustic station will take you to the gates of the miniature walled town of Sempach, a quaint survival of the middle ages, practically untouched by the march of time. Take the road which climbs the hill in a north-easterly direction toward Hildisrieden. In something like half an hour you will reach an uneven plateau, where a road joins your own from the west. This is the battle-ground of Sempach. A chapel stands by the wayside to mark the spot where Duke Leopold met his death; in the open field a rude pyramid of granite, surrounded by pine saplings, bears this legend: "*Hier Hat Winkelried den Seinen Eine Gasse Gemacht,* 1386." To the south, across the sloping field, broken by little brooks into rough divisions, lies a tract of forest, known as the Meierholz, where the Confederates lay in hiding on that eventful day, waiting for the arrival of the Austrians from Sursee.

As soon as war had been declared, the various states of the Confederation had taken steps to put their frontiers into a defensive condition, Bern alone remaining inactive and preserving an expectant attitude. About fifteen hundred troops marched to Zürich to defend that city, because it was generally believed that Leopold would select it for his principal attack; but at the last moment news came that the Austrians were advancing upon Luzern, and the troops hastened to take up a position from which they could surprise Leopold on the march. Thus it happened that when the Austrians reached the uneven plateau, which has been described above, the battle came upon them as a complete surprise, and in a locality ill-suited for the evolutions of their cavalry. The majority of the knights dismounted, sent their horses and squires to one side, and stationed themselves in long and deep lines, clad in heavy armor, and holding before them the lances they were accustomed to wield on horseback. The rest, amongst whom rode Leopold himself, remained behind to act as a reserve with the contingents sent by Austria's partisans. According to the most reliable accounts, some adventurous young noblemen, eager to win their spurs that day, straightway rushed upon the Confederates, who were drawn up in a wedge-shaped column peculiar to them, and were armed with their famous halberds and a variety of short weapons.

There can be no question that the first part of the battle proved most unfavorable to the Confederates. It appears that their short weapons were useless against the long spears which confronted them, for they could not reach the Austrians to strike them, and could, at best, only shatter the wooden shafts. In vain they rushed against the bristling array, in vain they attempted to break through that solid phalanx; the foremost were invariably pierced through before they could make use of their short weapons. By degrees the Austrians were pressing the Confederates off the field, and victory seemed assured to the noblemen against the peasants.

Suddenly, however, the tide of battle turned; defeat was

changed to triumph as though by a miracle. How this came about is a problem which has exercised the minds of many historians, for it is at this point that certain versions introduce the much-contested episode of Arnold Winkelried, while others ascribe the cause of this good fortune to a change of tactics adopted by the Confederates, or to the hot July sun, acting upon the heavy armor in which the Austrians were encased. Probably these circumstances affected the issue of the battle to a certain extent; but there seems to be room for the heroic deed of Winkelried as well. In the words of the anonymous chronicler who is the first to mention the subject: "To this [victory] a trusty man amongst the Confederates helped us. When he saw that things were going so badly, and that the lords with their lances and spears always thrust down the foremost before they could be touched by the halberds, then did that honest man and true rush forward and seize as many spears as he could and press them down, so that the Confederates smote off all the spears with their halberds, and so reached the enemy."[1]

As soon as the Confederates had succeeded in breaking through the enemy's line and were at close quarters, whatever the manner in which this was accomplished, their short weapons at once became superior to the enemy's long spears, and their light equipment gave them a great advantage over the knights, whose movements were hampered by heavy armor. The Austrian knights, encased in plates of iron and steel, half suffocated under heavy helmets, heated by the broiling sun, their legs covered with greaves, could not long withstand the light-footed peasants. Austria's standard was seen to sway to and fro, threatening to fall, and the cry went up, "Austria to the rescue!" Then Leopold, who had been watching the fray from his post amongst the reserves, sprang forward, unmindful of his followers' prayers, plunged into the thick of the fight to save the honor of his house, and, after a brave struggle, fell himself beneath the strokes of the victorious Confederates.

[1] Oechsli, W. Quellenbuch. p. 105.

Then ensued a moment of indescribable confusion, for the mounted knights, seeing their leader's fate, fled precipitately, while the dismounted ones called aloud for their squires and horses. But alas! they, too, had fled; and thus abandoned by their friends, weak with exhaustion, and imprisoned in their armor, these warriors perished an easy prey to the relentless peasants.

When all was over, the Confederates, as was their wont, fell upon their knees to sing a *Kyrie*, and to thank God for the victory. Then they remained three days upon the battlefield, to gather up the spoils, to bury their dead, and to be ready to meet the enemy should they return.

Besides Leopold the Austrians mourned the loss of a host of nobles, whose names are carefully recorded in various annals, in all more than six hundred of the best blood of Swabia and the lands subject to the Habsburg family. The victors also lost some of their best leaders, notably Conrad der Frauen, the Landammann of Uri, and Peter von Gundoldingen, late Avoyer (Schultheiss) of Luzern. Great booty in costly weapons, garments, and jewels fell into their hands, of which they could hardly understand the uses or appreciate the value. The museum of Luzern still contains a few authenticated trophies captured in the battle, but most of the spoils were scattered about, and are of course extremely difficult to identify at this late date.

It is interesting to know that, when Leopold's body was transported to Austria from the monastery church of Königsfelden, near Brugg, where he had been temporarily laid to rest after the battle, an eye-witness of the ceremony reported that his head was covered with long reddish-gold hair, and that no wound whatever was visible on his head.

In forming an estimate of the duke's character, we must not allow ourselves to be influenced by the humiliating defeat which he sustained at Sempach. He seems to have been every inch a knight; not by any means free from the failings peculiar to his class and his age, but a man possessed of

of the manly virtues — brave, keen, and well practiced in arms.

There was something extraordinary in the sensation caused by the reports of this rout of the nobles. The news flew like wildfire in every direction, so that we find it mentioned in the chronicles of places as far removed from the scene of battle as Lübeck and Limburg in the far north, and an Italian city in the south. A Swabian writer expressed the pious wish "that the cursed Swiss at Sentback (Sempach) might be confounded and their descendants destroyed forever,"[1] while the Confederates, on their side, made all manner of fun of the vanquished knights, accumulating a large stock of anecdotes and war songs upon the subject. It is related, for instance, that the dismounted horsemen were obliged to cut off the awkward beak-shaped points to their shoes, which were fashionable in those days, before entering into battle, and that this is the reason why a field near by is still called the *Schnabelacker*, or Beakfield.

A further task in historical criticism remains to be accomplished before leaving this subject — a disagreeable duty in many respects, for it is to examine whether Arnold Winkelried did really perform the heroic act attributed to him, or whether his story is merely an interpolation, inserted by unscrupulous chroniclers.

Fortunately, the evidence concerning the ancestry of Winkelried, unlike that of William Tell, reposes upon a solid foundation. As long ago as 1854, Dr. Hermann von Liebenau, whose services in the cause of Swiss historical research have been invaluable, published a genealogical record of the family from contemporary documents, covering the period between 1248 and 1534.

The Knights of Winkelreid appear at intervals, according to Von Liebenau's investigations, occupying positions of honor and trust amongst the families of lesser nobles which Unterwalden possessed from very early times. In 1367, nineteen

[1] Liebenau, T. von. Die Schlacht béi Sempach.

years before the battle of Sempach, the name of a man, Erni Winkelried, was affixed as witness to a deed of transfer, Erni being the local diminutive of Arnold. The same name, whether representing the same person or not, cannot be determined, but with the particle *von* added, occurs again three years after the battle, and without a *von* thirty-one years after, when one Erni Winkelried is mentioned as Landammann of Unterwalden.

At the eastern extremity of the village of Stans, travellers are shown an ancient stone house which is known locally as the Winkelried homestead, and in the little arsenal hangs a coat-of-mail which is said to have been the hero's own. There is no evidence of the genuineness of the relic beyond popular say-so, while the house was more likely the property of the Counts of Habsburg. A modern marble group, representing Winkelried's act of heroism, stands in the village square.

The ominous silence of contemporary chronicles is urged against the truth of the generally accepted version, for the brave deed is not mentioned until something like half a century after the battle, and even this date is open to question. The name of Winkelried does not occur in the earliest account which has been quoted above in the description of the battle, where he is described simply as "a trusty man amongst the Confederates"; in fact, we meet the name for the first time in a certain battle-song attributed to one Halbsuter, of Luzern, the date of its production being also a matter in dispute, but generally conceded to be about 1476. The three stanzas which deal with the Winkelried episode are presented here in all their naive simplicity: —

"The nobles' force was firm,
Their order deep and broad;
This vexed the pious guests.[1]
A Winkelried, he said:
'Ha! if you'll make amends
To my poor child and wife,
I'll do a daring deed.'

[1] Referring, probably, to the fact that the men of Unterwalden were, in a sense, military guests of Luzern, in whose territory the battle of Sempach was fought.

"'True and dear Confederates,
I'll lose my life with you;
They've closed their line of battle,
We cannot break it through;
Ha! I will force an opening,
Because to my descendants
You'll make amends forever!'

"With this he then did seize
Of spears an armful quickly;
For them he makes a way,
His life is at an end.
Ah! he has a lion's courage;
His brave and manly death
Saved the Four Forest States."[1]

In 1538, Rudolf Gwalther, Zwingli's son-in-law, tells the same story, without, however, mentioning Winkelried's name. Two lists of those who fell in the battle have put the hero's name on record; but, unfortunately, they were both drawn up long after Sempach, almost two hundred years having elapsed since that event, so that their testimony is open to suspicion. In the course of this controversy, it has also transpired that five similar feats are on record in Swiss history. One historian (K. Bürkli) has gone so far as to assert that the whole story has been transferred to Sempach from the fight which occurred at Bicocca, near Milan, in 1522, where another Arnold Winkelried met his death in a similar manner; while somebody else even maintains that Winkelried did not seize the enemy's spears at all, but himself used a bundle of spears to break through the enemy's ranks.

The upshot of the whole discussion seems to be somewhat as follows:—

The strictest historical research has established that a man, Arnold Winkelried, lived in Stans, of Unterwalden, at about the time of the battle of Sempach; but it is still a debatable question whether he was present at the battle.

[1] Oechsli, W. Quellenbuch. p. 107–108.

The fact that he came from a knightly family, distinguished for its warlike character, would lead one to suppose that he would not absent himself at a critical moment, such as the day of Sempach undoubtedly was. As for the act itself, the evidence for and against seems fairly well balanced. There was, unquestionably, a wonderful turning-point in the course of the battle, and Winkelried's act might have accomplished all that has been claimed for it; but, on the other hand, the silence of contemporary accounts, the similarity of the feat recorded of the battle of Bicocca, and the unscrupulousness of chroniclers and ballad-mongers in glorifying their particular locality, are arguments which must be considered to weigh heavily against the story of the patriotic self-sacrifice.

One must confess to an intense enthusiasm for this heroic act, whether performed at Sempach or at Bicocca, by a Winkelried or by an unknown "trusty man amongst the Confederates." It has in it something exceptionally noble, something classic, as though destined to fire the imagination and arouse the devotion of mankind for all time. William Tell's disappearance from the historical stage has proved a great gain, especially by opening the way for a serious study of the origin of the Swiss Confederation. His conduct never merited the eulogisms which have always been lavished upon it; for to imperil the life of his own child by an exhibition of fancy shooting, and then to murder the tyrant from ambush, were acts which we cannot sanction unreservedly. William Tell's story is picturesque, but Winkelried's is heroic, unsoiled even by the semblance of self-interest. If it be destined to disappear from the pages of strict history, let it at least live in the hearts of men forever as a divine fiction.

CHAPTER XVII.

THE BATTLE OF NÄFELS.

MORGARTEN and Sempach alike, though fought between Austria and the Confederation, were in reality episodes in a far greater contest which embraced the nobility and peasantry of Europe in general. In the retrospect these battles are seen to be amongst those victories which have advanced the cause of liberty and placed mankind nearer the ideal toward which it is steadily progressing through the ages.

But Austria's cup of humiliation was not yet full. Emboldened by their wonderful success, the Confederates encroached upon the enemy's territory in all directions. A sort of armistice was indeed agreed upon, a temporary cessation of hostilities, which went by the name of the Evil Peace, because no one for a moment dreamed that the contracting parties would adhere strictly to its provisions. The Bernese promptly marched against Fribourg, as they usually did when that staunch Austrian rival of theirs was unprotected, and inflicted several defeats in that quarter. Other Confederates took the little town of Wesen as the first step toward reclaiming Glarus altogether from the Austrian yoke. In fact, the contest was now transferred to that unfortunate valley, which, though united to the Confederation by a perpetual league, was still governed by the common enemy.

At this juncture, the men of Glarus cast off the last semblance of subjection to Austria in a public assembly, or *Landsgemeinde*, presided over by a Landammann elected by themselves. A constitution (*Satzungsbrief*) was drawn up,

which aimed openly at political independence from the nunnery at Seckingen and its bailiff, the Duke of Austria. It then received the sanction of all the Confederates except Bern, that city still holding aloof from any joint action with the rest.

Barely had the Evil Peace expired in 1388, when the Austrians renewed offensive operations by attempting to reconquer the rebellious little land of Glarus. For this purpose the possession of Wesen was necessary, as a glance at the map will show, a stronghold guarded at that time only by a small detachment of Confederates, principally from Glarus itself. In the night of the 22d of February, the garrison was surprised, with the connivance of a part of the inhabitants. Great indignation was expressed throughout the land, both against those who had planned this cowardly attack, as also against the traitorous population of Wesen, who had given their assistance, for, with this key in their hands, the Austrians could proceed to the conquest of Glarus under the most favorable circumstances. A last attempt to come to some sort of understanding miscarried, and Glarus was, therefore, exposed to an immediate invasion.

On the morning of the 9th of April, 1388, the Austrian army, 5000 to 6000 strong in horse and foot, set out in two columns to march up the valley and capture the chief village, the little capital of Glarus. One would have thought so numerous a host more than enough to subdue a poor and thinly populated district, but the result at once showed the great superiority of the people on foot, defending their native soil, over the best mounted troops in search of plunder. It was but a repetition of Morgarten and Sempach. The main body, under Count Donat of Toggenburg, proceeded straight up the valley, while a detachment, under Count Werdenberg-Sargans, executed a flank movement from the Walensee over the Kerenzen Mountain to Beglingen and Mollis.

There was no fighting until the principal force drew near Näfels, where the valley grows considerably narrower. Here an old *Letzi*, or fortification, barred their way for a time, defended

by a small picked body of the men of Glarus. After a fierce struggle, the latter were obliged to yield to superior numbers, and withdrew up the valley, giving the alarm to all the inhabitants as they went. So far all had gone well for the Austrians, but no sooner had they forced the *Letzi*, than, regardless of discipline, they spread over the plain in search of booty, plundering the houses, destroying the crops, and driving the cattle together. Nothing could have been more favorable to the men of Glarus, for it gave them just the time they needed to recover from the shock of their first defeat, and to take up a position of defence beyond Näfels, upon a slope at the foot of the Rautiberg, which goes by the name of Schneisingen. It was covered with loose, rolling stones, the debris which time and weather had worn from the cliffs above, the whole forming what is technically called a *talus*. Upon this ground a devoted band had gathered, consisting of native men reinforced by a few brave fellows from Schwiz, who had probably hastened over the Pragel Pass at the last moment. They did not number more than 600 in all, a mere handful of men, but all inspired by the loftiest ideal of patriotism and rendered formidable by their desperate situation.

As the Austrians approached in loose order, they became aware of this concentration of the enemy, firmly planted to dispute their passage, and straightway prepared to dislodge them. The horsemen were riding in front, according to universal practice in medieval warfare, behind them the infantry. Without hesitation the former urged their horses up the steep and insecure slope in the hope of driving down the defenders, but, for their pains, received a perfect shower of large stones which wounded many and rendered the chargers unmanageable with fright. It was evident that nothing could be accomplished in this manner; the horsemen, therefore, drew back a little, calling out to the infantry behind to make way for them. Just as this backward movement was being carried out, while the whole Austrian force was still retreating, and before it had taken up a new position, the men of Glarus rushed down from

the height, hurled themselves with the utmost violence against the disordered foe, and drove them, step by step, down the valley, by the *Letzi*, and finally over the open plain toward Wesen.

Tradition has it that the Austrians arrested their flight eleven times to make a stand against the furious onslaught of the enraged mountaineers, and eleven times were turned back with frightful slaughter. Then their flight developed into a mad race to Wesen, in course of which many were drowned by the breaking down of a bridge over the river Linth, and others were cut down by their ruthless pursuers, as they lay wounded and defenceless upon the battlefield. It was a barbarous age, when quarter was neither asked nor given. As near as can be estimated, the Austrian loss was no less than 1700 men, while that of the victors did not exceed 54, the names of the fallen patriots being still visible in the church at Mollis, inscribed in golden letters.

As for Count Werdenberg, no sooner had he ascertained the fate of the main body, than, esteeming discretion the better part of valor, he fled in hot haste—"and yet," remarks a Zürich chronicler, ironically, "not a soul ran after him."[1]

A year after the battle, the men of Glarus instituted an annual pilgrimage to Näfels, which has developed in course of time into a regular patriotic festival; a procession, on each occasion, visits the eleven stones which mark the places where according to tradition the Austrians rallied in vain.

In 1389, a seven-years' peace was signed at Vienna, leaving the Confederates in undisputed possession of all the territory they had acquired by force of arms in the recent war. But this did not prevent the Dukes of Austria from attempting to undermine the victorious Confederation by diplomatic means, for, after succeeding in placing themselves at the head of a league of imperial cities in Southern Germany, tried their old trick of trying to win Zürich from allegiance to the Confederation, in order to incorporate that city into their own alliance.

[1] Dändliker, K. Geschichte. Vol. I., p. 534.

In fact, they had already received the assent of the Zürich government to their proposition, when all at once a note of alarm was heard throughout the land, and negotiations had to be stopped. An aristocratic faction, which had inherited Brun's philo-Austrian policy, was at the time (1393) in control of Zürich, but when remonstrances poured in from various members of the Confederation, and the great body of the citizens themselves expostulated against the scandalous plan, a popular rising took place in the city. Bürgermeister, Rudolf Schön, and his satellites were expelled; the assent to the league with Austria was withdrawn; and a thorough revision of the city constitution undertaken in a democratic sense. This new document was known as the *Dritte Geschworene Brief.*

It is difficult to understand the motive of the aristocratic party in lending itself to proceedings which were so certain to arouse the fury of the people, and that, too, so soon after the Confederation had proved its ability to repulse the attacks of Austria on every hand. Had the treacherous purpose succeeded, Zürich must inevitably have severed her connection with the growing federal state to which she had voluntarily bound herself by a perpetual pact.

Still burning with the sense of wrong, and impressed by the necessity for closer union, the Confederates, one and all, even Glarus and Bern, with the latter's principal ally, Solothurn, met in 1393, and signed a document, the *Covenant of Sempach,* so-called because it related principally to the defects in the military organization of the Confederates, which the war of Sempach had betrayed. Its several provisions will be examined in the next chapter.

Whether it was the failure to sever Zürich from the Confederation, or whether the utter hopelessness of further conquest finally impressed itself upon the Dukes of Austria, at all events, they suddenly abandoned the position they had maintained until now, and signed a peace for twenty years, to last until 1415.

The war of independence was virtually over; the Eight

States could rest from their labors. All the pretentions Austria had so long upheld, at the sacrifice of so great an outlay in men and money, all these collapsed utterly and forever; the Dukes virtually acknowledged that they had been worsted in the struggle of more than a hundred years, and were now forced to treat as independent and sovereign the very people they had heretofore considered in the light of subjects or vassals.

In truth a new power had arisen within the German Empire, a warlike element formidable to the upholders of the feudal system, but to the oppressed people an example of what undaunted patriotism, wisely tempered, could accomplish. To all intents and purposes the Confederation, though still *within* the Empire, was from this time on no longer *of* it. In Germany proper men spoke of the various States collectively as *Die Schweiz*, after Schwiz, the State which seemed to them the most active and irreconcilable, while the Swiss themselves called their Confederation an *Eidgenossenschaft* in the documents, showing that they were beginning to form a separate nation.

Certainly the results are worthy of admiration, the more so as the democratic feelings, which had made their appearance in the Swabian and Rhine cities, received their deathblow at this very time. Only a few months after the rude peasants of Glarus had defeated a large army of Knights at Näfels, the league of the Swabian cities was hopelessly crushed by Count Eberhard, of Württemburg, in the battle of Döfflingen, and soon after the Rhine cities also succumbed to a like fate. At the very time, therefore, that the seeds of immemorial Teutonic liberties were being trampled into the mire in Germany proper, they took root and flourished in the rising Swiss Confederation. On one side the monarchical principle was in the ascendant, on the other the republican. With the lapse of time this fundamental difference became more and more accentuated; the two nations grew apart, never again to be united.

The Swiss of the fourteenth century rescued the principle of primitive democracy, which had reached them from pre-feudal times, just at the critical moment when it was threatened with extinction. All honor to them for that great service to mankind!

CHAPTER XVIII.

CONSTITUTIONAL ORGANIZATION OF THE CONFEDERATION OF EIGHT STATES.

OF a constitution proper, in the modern acceptation of the term, there were, as yet, only faint traces. The Confederation of Eight States by no means presented all the features of a well-balanced, logical scheme of government. It was a group of sovereign communities rather than a nation, an organization rather than an organism, and "a Union of the loosest kind," as Mr. Freeman says, in which the members were neither all bound to each other nor all on an equal footing with each other. Bern had contracted no direct league either with Zürich or Luzern, nor Luzern with Glarus, nor Glarus with Zug. Moreover Glarus occupied a distinctly subordinate position toward the rest, while the Forest States were pledged to render certain services to Zürich and Bern, for which those cities by no means returned an equivalent.

The very charters of the different States, and their methods of home government, varied as much as possible from each other.

Uri, Schwiz, Unterwalden, and Glarus were typical rural communities. In time they had grown to be pure democracies. The sovereign people exercised their powers directly in open-air popular assemblies, or *Landsgemeinden*, of their own choice. Usually a council was elected to attend to the daily needs and current business of the community, but it was characteristic of these *Landsgemeinde* states that the supreme power emanated from the people themselves, and was only delegated to the magistrates.

In the cities the procedure was reversed. Here the supreme power was lodged in the chief magistrate and his council, and distributed from above, as it were, upon the people, with greater or less liberality, according to the amount of privilege which the latter had wrung from their rulers.

On the whole, Zürich had made greater progress than any of the other cities in the direction of democracy. The first, second, and third Sworn Briefs all indicated successive stages in the emancipation of the common people, in giving them greater influence in the government. The power of the aristocratic *Konstaffel* was steadily being curtailed to the profit of the guilds; two Bürgermeister were elected instead of one, and to serve only half a year each; and, finally, the Great Council of Two Hundred, which at first was only consulted on very exceptional occasions, was declared supreme, and constituted a sort of court of last appeal.

Bern, on the other hand, was the representative of aristocratic principles. Here commercial interests were always subordinate to military and administrative needs. Hence the guilds never acquired any prominence, but were promptly suppressed by the authorities, whenever they showed signs of vigorous growth. The chief magistrate was called Schultheiss; he and the council of twelve were elected exclusively from the ranks of the aristocracy. It was, therefore, a decided democratic innovation when workingmen were admitted to a share in electing the Great Council of Two Hundred.

Luzern occupied a position somewhere midway between these two cities, with the character of a conservative democracy. There was a Schultheiss and council to which all citizens were eligible, but guilds were here also strictly forbidden.

In Zug a distinction must be made between the city proper and the country district, or *Amt*. The two together formed a democracy after the pattern of the Forest States, but the city had its own Schultheiss and council.

Apart from these differences in the constitutions of the

several States, there was a further obstacle to their union. It so happened that their boundaries were by no means everywhere contiguous, that tracts of alien lands entered between them like wedges, or that some of them were even isolated from the rest and completely surrounded by enemies. The whole did not form a well-rounded, compact territory.

One may well ask, therefore, how it came to pass that so motley a Confederation, made up of members differing so widely from one another, united by such slender political bonds, and sometimes geographically separated, could hold together at all. Similar leagues cropped up in various parts of the German Empire, flourished for a while, and then vanished into oblivion. Why was it that the Swiss alone survived? Probably no one reason, taken by itself, will answer this question satisfactorily.

Great stress, however, may be laid upon two points of vital importance. One is that the members of the Swiss Confederation were really *driven* into union by the conduct of their common foe, Austria, and another is that, whatever may have been their relations to each other, they were all leagued to the three Forest States as a connecting link. Mr. Vincent has illustrated this singular relationship in his pamphlet entitled "A Study in Swiss History", by comparing it to a "telephone service in which the three original cantons acted as the central exchange. When the later states wished the help of the League they called on the forest cantons, and the latter summoned the rest. There were some cross-connections, but in general the touch was direct."[1] It must also be reckoned as an element of strength that the leagues were concluded in perpetuity, although it is also true that this principle had to be sacrificed in the case of Glarus and Zug. A careful examination of the documents drawn up when the various states joined the Confederation, will reveal that they agree in certain essential particulars — all have a clause which gives them priority over leagues concluded with outside powers; they

[1] Page 6.

establish the duty of mutual help in time of danger, and enforce the principle of arbitration in case of disputes. In a measure, therefore, the stability of the Confederation was better provided for than would appear from a first glance at the documents.

But the contracting parties were wise not to rest content with these safeguards, however important they might be; an effort was made to formulate more definite and substantial guarantees for their union. The first step taken toward this end was the signing of the Priest's Charter. Its more important provisions are as follows:

1. All vassals of Austria, whether clergy or laity, nobles or commoners, who desire to take up their abode upon territory belonging to the Confederation, shall swear fealty to the Confederates. 2. Especially shall no foreign ecclesiastic, dwelling in the Confederation, summon others before foreign tribunals, but shall appear before those of the particular place where he is domiciled, except in cases where matrimonial or ecclesiastical interests are involved. 3. A priest who disobeys these injunctions shall be outlawed. . . . 9. The contracting parties guarantee the safety of all roads from the Stiebende Brücke on the St. Gothard route (a bridge which used to hang from chains at the spot where the tunnel Urnerloch has since been made) as far as Zürich.[1]

The keynote of the document, that, in fact, which has given a name to the whole, is contained in the provision regarding the clergy. It is expressly and unmistakably declared that no ultramontane policy will be tolerated, the clergy are told in plain words to mind their own business — an attitude which the Swiss people as a whole, have always maintained. Two innovations are likewise noticeable in the Priest's Charter — the name *Eidgenossenschaft,* or Confederation, here makes its first official appearance. The principle that a majority of the contracting parties would suffice to amend the Charter is also new, the unanimous consent of all no longer being necessary, as agreed in former leagues.

[1] Oechsli, W. Quellenbuch. p. 99.

Another advance toward closer union was made in the Covenant of Sempach (*Sempacherbrief*), to which all the eight States, without exception, as well as Solothurn, set their seals. "Whereas they had fought and won against Austria," said the document, "they now desired to make provision for future attacks." 1. It was agreed that no Confederate should break into the house of another with intent to plunder either in war or peace. 2. The safety of merchants in person and goods was guaranteed. 3. Those who should take part in future military expeditions were to stand by one another, whatever might happen, like true men, as also their forefathers did. 4. Should anyone desert in war, or break any of the rules of this Covenant, and his guilt be attested by at least two honorable men, he should be promptly punished in his person and goods, according to the laws of the state to which he belonged. 5. The wounded were to stay by their comrades until all danger was past, nor be considered deserters if unable to help. 6. Since many of the enemy escaped at Sempach who would have remained upon the field, had the Confederates set off in pursuit, and not stopped to plunder, it was unanimously agreed that, in future, no man be allowed to pillage until, the fight being at an end, the captains should give permission to do so, and that afterward the spoils should be distributed to every man an equal share. 7. "And since Almighty God said that His houses were houses of prayer," all monasteries, churches, and chapels should be inviolate, unless the enemy took shelter in them. 8. Women should not be attacked unless they warned the enemy by an outcry or fought themselves, in which case they could be punished as they deserved. 9. Finally the contracting parties were of unanimous opinion that none of them hereafter should provoke war wantonly, without due cause, or without warning, as provided for in the various leagues.[1]

In contrast with the prevalent practices of warfare in the middle ages these provisions must be looked upon as eminently humane. Dändliker, in fact, calls the Covenant of Sempach

[1] Oechsli, W. Quellenbuch. p. 110.

"The first attempt, made by any people, to restrain somewhat the fury of war, to regulate military disciples and leadership by an intelligent, humane law."[1] Elsewhere he adds: "The Confederation, which in the nineteenth century founded the Geneva Convention, for the protection of the wounded, had already, in the fourteenth century, for the first time in the history of the world, tempered the barbarity of war."[2]

Of regular Diets (Tagsatzungen), as they existed later in the Confederation, it would be premature to speak at this time. If delegates from some of the States met occasionally to discuss matters of common interest, the occurrence was so rare and accidental as to have but little influence as yet on the maintainance of the union.

The ancient Confederation of Eight States, therefore, presented the strange spectacle of a group of sovereign communities, each enjoying the utmost liberty of action imaginable, bound together by no central authority, either executive, legislative or judiciary, and yet united by perpetual leagues which proved sufficiently strong to secure immunity from without and peace within. Truly a unique type of federalism, at once elastic and stable, capable of great expansion, without overstraining the bonds by which it was held together.

As for the social aspect of this fourteenth century, its sign and token was the steady decline in the power of the nobility, with a corresponding improvement in the position of the common people. Such a turning of tables was, of course, no matter of chance, but rather the direct result of forces working quietly within the social fabric. The growth of commerce and manufacturing in the cities, to dimensions unheard of in the preceding century, had the effect of raising the merchant and artisan at the expense of the nobility, both as regards wealth, political influence and social prestige. At the same time, it must not be overlooked that many noblemen became citizens, and in their new positions continued to wield enor-

[1] Geschichte der Schweiz. Vol. I, p. 560.

[2] Ibid. p. 594.

mous power over the destinies of their adopted states. To add to the changed conditions of the century, money now came into general use as a medium of exchange in place of articles in kind. A great part of the land, which had at one time been owned almost exclusively by the nobility fell into the hands of rich commoners, for the former, in order to procure money, were constrained to sell their lands or to raise mortgages upon them, and in either case to see their possessions pass away to persons of a lower grade in the social scale. It cannot be said that any great benefits resulted from this change of land ownership, or that the new class of landlords were less exacting in their demands upon the tenants than the old. As a matter of fact, it is doubtful whether the land was more evenly distributed after this movement than before, while the institution of serfdom made it practically immaterial to the tenants, whether or no great city commoners were substituted for country noblemen. Another prerogative of the nobility was swept away when the principle reasserted itself that all men could bear arms. This had been the rule amongst the ancient Germans, but the feudal system had excluded the serfs, and made it the special privilege of freemen only.

In one sense, the noblest portion of Swiss history virtually ended with the battle of Näfels. For, although the succeeding period saw the Confederation reach the very height of military glory, still the motives for action were never again so pure, so genuine, as in these early days. A new stage of development had been reached. Abandoning the attitude of mere self-defence which had characterized their general policy so far, the Confederates entered upon an era of conquest. It seemed as though they had outgrown their sturdy childhood, and, pressing forward, felt within them the desire of manhood to display their strength, for, one by one, the communities upon their borders fell within the orbit of their attraction — some to be conquered outright, while others, of their own free will, drew near to enjoy the fellowship of common democratic aspirations.

BOOK III.

THE CONFEDERATION AT THE HEIGHT OF ITS MILITARY POWER.

CHAPTER I.

APPENZELL AND ST. GALLEN.

THE beginning of the fifteenth century marks an era of great territorial expansion in the history of the Confederation. There was evidently something contagious in the very success of the Swiss. Their steadfast resistance to feudal rule, their wonderful powers of organization and continued victories upon the battle-field, all this excited the admiration and envy of the less-favored peasantry in neighboring lands. Independent communities and miniature leagues sprang into existence on every hand. In time they naturally gravitated toward the Swiss Confederation as a common centre, and, at the proper moment, sought admission within its ranks.

As a rule, this final consummation was brought about after the new community had first obtained citizenship in one of the States. Thus the mountaineers of Appenzell were admitted to the rights of citizenship in Schwiz, those of Graubünden in Glarus, and those of Valais in Uri, Unterwalden, and Luzern, before they became full-fledged members of the Confederation as a whole.

In the north-eastern corner of Switzerland, near the lake of Constance, rises a highland region, culminating in the mountain group of the Sentis. It comprises the modern Cantons of Appenzell and St. Gallen — a little world apart, with peculiar local traits and an historical development of its own.

No definite information has come down to us of its condition prior to the founding of the monastery of St. Gallen, but

after that date the history of the monastery becomes practically identified with that of the whole district. Powerful Abbots exercised jurisdiction in all minor matters, by virtue of their position as land-owners, while the supreme authority still reposed in the hands of an imperial bailiff; in other words, the district enjoyed the privilege of the immunity. At the end of the thirteenth and beginning of the fourteenth century a change gradually manifested itself; a period of discontent set in. Two centres of opposition sprang into existence within the vast estates of the monastery, ominous and threatening to the rule of the Abbots; first the city of St. Gallen, which had grown from small beginnings around the hermit cell of Gallus, and then the outlying country district of Appenzell, its name doubtless a corruption of *Abtes Zelle*, Abbot's Cell.

The city of St. Gallen had originally been governed by officials of the monastery, as an ecclesiastical piece of property. During the thirteenth and fourteenth centuries, however, the city developed by degrees into a free city of the empire, electing its own magistrates and subject only to the imperial bailiff. Its inhabitants grew rich through the perfection of their linen weaving, guilds were instituted with representation in the council, somewhat after the pattern of Zürich, and finally, as a sign of complete emancipation, the citizens initiated an independent foreign policy, by joining the league of Swabian cities.

Appenzell's progress toward freedom began somewhat later. It is true that the hardy mountaineers of that district more than once found themselves obliged to resist oppressive measures instituted by various Abbots, but their main prerogative, the imperial immunity, was not seriously threatened until 1345. In that year the ruling Abbot gained the office of imperial bailiff over their principal villages, which prerogative, added to those he already possessed, made him absolute master of the situation. For awhile the country people submitted to this new state of things, waiting for a convenient time to win back their former liberties. In 1377, five villages, Appenzell, Hundwil, Teufen, Urnäsch and Gais, uniting under

the name of the first, joined the league of Swabian cities, and a year later created a council (*Landrath*) of thirteen members, to be elected by the people themselves. It was probably about this same time also that the institution of a *Landsgemeinde*, with the presiding *Ammann*, made its first appearance in Appenzell.

In all their aspirations after freedom, and in the means which they took toward that end, these people were influenced by the conduct of their neighbors, the Swiss Confederates. Every success of the latter sent an answering thrill of hope throughout the little land of Appenzell. Sempach and Näfels inspired them with new hope, revealed to them what extraordinary results could be accomplished by united action against tremendous odds, and showed them the road which would lead them eventually to full and perfect independence. Heretofore Appenzell and St. Gallen had acted apart, being united only through their common membership in a league of cities on the lake of Constance, which had survived the downfall of the Swabian league, but, in 1401, during the rule of an unusually tyrannical Abbot, Kuno von Stoffeln, they came together in an alliance which was to last for seven years. Both parties were reinforced by other communities of the neighborhood, all alike threatened by the Abbot, so that the movement was distinctly formidable, and could not be overlooked. A few months later the allies proceeded to acts of open hostility. They attacked the possessions of the monastery, and destroyed the hated stronghold of Clanx, which commanded the village of Appenzell. Before they could advance to other deeds of violence, however, Kuno checked their proceedings by a clever manoeuvre. He brought the whole matter before the league of imperial cities to which Appenzell and St. Gallen belonged, and secured a favorable verdict, for delegates assembled at Constance affirmed that their alliance violated the rights of the Abbot, and must, therefore, be annulled.

It is instructive to notice how differently the two sides

received this sentence. Rich St. Gallen, whose strength lay in commerce and manufactures, yielded timidly, throwing over a tried friend for fear of the Abbot and the imperial cities; but Appenzell, the land of poor peasants, stood undaunted and disdainfully ignored what they considered an unwarranted interference from outsiders.

Then it was that the men of Appenzell, abandoned alike by the city which ought to have been their natural ally, as well as by the more distant cities, which circumstances had temporarily joined to them, turned as a last refuge to a member of the Swiss Confederation. In 1403, they made common cause with the state of Schwiz, were admitted to the protection of its laws (*Landrecht*), and received as their chief magistrate an *Ammann* from that community. It is, of course, to be regretted that Appenzell was not able to secure help on better terms, for, in reality, Schwiz immediately assumed the powers of a ruler, as being the stronger of the two. Great scandal also arose in the Confederation at this separate alliance; Zürich expostulated, jealous of any gains which Schwiz might make in territorial possessions, but the allies clung faithfully to one another.

Thus strengthened in their resolve, the mountaineers of Appenzell ventured to take up arms. They proceeded to commit a series of depredations and incursions into the Abbot's estates, so that, in 1403, the latter was forced to collect his subjects, and to call upon the imperial German cities for troops. As soon as reinforcements had arrived, he set out from St. Gallen, to invade the rebellious country, accompanied by a detachment from the city itself. His way lay through the villages of Speicher and Trogen, over a hill known as Vogelinsegg, now much prized on account of the extensive view which may be enjoyed from its summit. The men of Appenzell seem to have been fully informed of the projected route. Just at the foot of the hill, therefore, behind a *Letzi* (redoubt), they posted a part of their forces, the rest, comprising reinforcements from Schwiz, they drew off to one side, in order to

attack the enemy simultaneously on the front and flank. It is impossible to speak with any certainty of the numbers engaged on the two sides; they could not have been great, probably a few hundred defenders and a few thousand invaders. Everything went off as the men of Appenzell had expected. The Abbot's troops advanced, without taking the slightest precautions, into the path enclosed by high banks which led over the hill, and so fell easily into the trap set for them. Unable to deploy their strength on account of the nature of the ground, they were thrown into the utmost confusion, and driven back upon St. Gallen with a loss of more than two hundred men.

With right has this battle of Vögelinsegg been called the Morgarten of Appenzell, the baptismal day of a new democracy with a special rôle to play. A thirst for conquest, a fiery zeal for the liberation of the less fortunate who were still in bondage, seemed to seize the men of Appenzell. "Now, for the first time," says the so-called Klingenberg Chronicle, "they became really brave and bold,"[1] destroying the castles of the nobility, setting free their subjects, and proclaiming the good news of liberty.

A cry of alarm went up from those whose interests were threatened by this overwhelming democratic wave. Measures were devised for checking its career. There was a general rearrangement of allies for the coming struggle. The league of imperial cities withdrew their support from the Abbot; St. Gallen was reconciled to Appenzell. But the whole movement received a new aspect when Kuno, ever watchful for his interests, conceived the idea of calling upon Austria for support in his pretensions, hoping that, if that power became involved in the struggle, the Confederates and thus Schwiz, also, would be debarred from helping Appenzell on account of the twenty-years' peace between the Swiss and the Dukes of Austria, which would not expire until 1415. His request found favor with the reigning Duke, Frederic IV., son of the Leopold who was

[1] Oechsli, W. Quellenbuch. p. 115.

slain at Sempach, but he was mistaken if he thought that Schwiz would abandon Appenzell, for, as a matter of fact, in spite of the twenty-years' peace, and the remonstrances of the other Confederates, that State continued as heretofore to support the rebellious mountaineers. Furthermore, if the Abbot won a new ally, so did the men of Appenzell.

There was a certain Count Rudolf von Werdenberg-Heiligenberg, a relative of that Count of Werdenberg-Sargans who had conducted himself in such a cowardly manner at Näfels. This nobleman had sunk to a condition of beggary, partly through financial embarrassments which were the result of his own extravagance, and partly through the deliberate persecutions of the Dukes of Austria. In his despair, it was only natural that he should forget how much he had himself contributed toward his misfortunes, and should cast the whole blame upon his relentless enemy. In 1404, having lost even his ancestral castle, Count Rudolf determined upon a most unusual expedient; he offered his service as an experienced warrior to the peasants of Appenzell, if they, in their turn, would promise to help him regain his possessions.

We must not look upon this act as though it had been inspired by a lofty enthusiasm for the cause of liberty, since it was, in truth, a mere business compact entered into with the hope of realizing substantial advantage. Nor do the men of Appenzell seem to have lost sight of this fact, for, according to the Klingenberg Chronicle, "they did not trust him altogether." It is known, also, that they made him promise to submit to all the ordinances which Schwiz might issue in her capacity as protector of the country. He became a simple citizen of Appenzell, and "went with them on foot, like any peasant; for they would not that he should wear a coat-of-arms or anything different from one of them."

Yielding at length to the renewed cries for help which came from the Abbot and the nobility, Duke Frederic of Austria prepared to put down the rebellion in Appenzell. At the last moment he made an attempt, happily an unsuccessful one, to

win over some of the Swiss States to his side by taking advantage of a temporary breach that had made its appearance in the Confederation between the aristocratic cities and the democratic country-districts, due, in a great measure, to the support Schwiz was giving Appenzell. The strong feeling of unity amongst the Confederates, however, caused his intrigue to miscarry completely, and he proceeded in person to the scene of action.

The plan of the invaders resolved itself into a double attack. While Frederic of Austria led a small detachment to St. Gallen in order to prevent that city from co-operating with Appenzell, the main force was to penetrate into the latter country, the real centre of the whole disturbance, and inflict a crushing blow.

In accordance with this arrangement, the Duke marched from Arbon, took possession of the Hauptlisberg, an eminence which commands St. Gallen upon the North, and held the attention of the burghers away from their allies in Appenzell by skirmishing. The very next day, however, as he was withdrawing his troops in loose order, a sortie was made from the city and a number of his men were killed.

In the meantime, a decisive battle was being fought between the main body of the Austrians and the mountaineers of Appenzell. On the 17th of June, 1405, the invaders, more than 1200 strong, toiled up the long, steep road from Altstätten to Gais, made slippery by much rain. Just below the highest point of the road, near the mountain spur known as the Stoss, they came upon the *Letzi* which guarded the frontiers, but finding it deserted, they pushed on into the country of Appenzell, confident of victory. When they had advanced not more than the length of a bowshot further, a force of 400 of the enemy suddenly sprang from their hiding-places, rushed down upon them, hurling stones and other missiles, and forced them to retreat. The Austrians were hemmed in; behind them rose the *Letzi* and in front came the agile mountaineers. After a short resistance they attempted to escape through an

opening in the *Letzi*, but it was so small that only a few of the fugitives could pass at a time. The press developed into a panic; the Austrians trampled upon each other, or fell easy victims to their pursuers. The survivors fled precipitately to Altstätten.

Evidently the invasion upon which the Abbot of St. Gallen had relied to restore him to power, was an utter failure.

But the result of his supreme effort was not merely negative, for a spirit had been conjured up before which the whole country round about was soon to quail. First, the mountaineers of Appenzell fortified themselves by concluding alliances with neighboring communities, and then, as though intoxicated with their recent success, they broke forth from their mountain fastnesses to overrun the whole region which lies to the southeast of the lake of Constance, destroying the castles of the nobility, and inciting the peasants to rebellion. With irresistible force, they poured down upon the Thurgau, across the Rhine into the Vorarlberg and Tyrol, sweeping together all their vanquished or voluntary adherents into one mighty but unorganized League of the People, which they called the League above the Lake (*Bund ob dem See*), to distinguish it from another league of cities around the lake of Constance. Nor did they fail to reward their allies of Schwiz, to whom they presented the district of the March, while Count Rudolf of Werdenberg received his ancestral castle, according to agreement, although he was not able to hold it for long, and died a few years later, poor and childless.

In the face of this extraordinary uprising, the whole machinery of the feudal system seems to have broken down, showing itself perfectly powerless to check the aspirations of the people after freedom. In 1406, Duke Frederic saw himself constrained to conclude a two-years' truce with the League above the Lake, leaving the peasants in full possession of their conquests, while the Abbot Kuno, deeply humiliated, actually agreed to enter into the protection of Appenzell and St. Gallen, his former subjects.

Not that this state of things endured very long. The haste with which the league had been patched together, the incongruous material of which it was composed, and the extravagances into which the liberated peasants were betrayed, militated against its stability. A reaction set in, until, in the winter of 1407, an army of nobles surprised the men of Appenzell as they lay before Bregenz, under the leadership of a captain from Schwiz, Conrad Kupferschmied. Strangely enough, this insignificant defeat was the cause of far-reaching results, altogether disproportionately great. For the men of Appenzell, who had heretofore been universally victorious, now felt that their invincibility was broken, and so, discouraged and deserted, retreated to the mountains, whence they had issued like an all-devouring avalanche a few years before.

King Ruprecht himself came to Constance to deliver sentence in regard to the whole matter in dispute. He decided that the League above the Lake should be dissolved, and the men of Appenzell return once more into their former relation toward the Abbot. They distinctly refused, however, to comply with these demands, and defiantly held their own against the head of the empire, biding their time as they had done on a former occasion.

The answer to Ruprecht's demands came in 1411, when the undaunted mountaineers of Appenzell enlarged their alliance with Schwiz into a wider treaty with the other members of the Swiss Confederation, Bern alone holding aloof in the pursuit of a cautious and independent policy. As before, this *Burg* and *Landrecht* placed Appenzell in a subordinate position under the virtual protectorate of the seven states, but it contained the promise of a closer and more equitable union in the future. In 1412, St. Gallen, likewise, followed the example of her old ally, by concluding a similar *Burg* and *Landrecht* with the seven states, so that hereafter, for weal or for woe, the interests of the whole region comprised by the modern cantons of Appenzell and St. Gallen, were bound up in those of the Swiss Confederation.

CHAPTER II.

THE VALAIS AND GRAUBÜNDEN.

NONE of the cantons which are now included in French-speaking Switzerland, took any part whatever in building up the Swiss Confederation. Throughout the whole period, during which the Forest States were struggling for emancipation from Habsburg-Austria, they lay in apathetic subjection to a multitude of spiritual and temporal masters. The only exception to this general indifference was found amongst the people of the Valais (*German* Wallis), the various forms of the name being derived from the Latin *vallis*, a valley.

Says the Abbé Gremaud, whose researches have cast so much light upon the early history of that district: "Between the two highest mountain ranges of Europe, there lies a long valley, watered by the upper Rhone"[1]. . . This is the simple description of a region which, from a physical standpoint, is one of the most remarkable in the world; where within a small compass are enclosed a multitude of startling contrasts. The mountain ranges here mentioned are on the right hand, the monster chain of the Bernese Alps, and on the left that of Monte Rosa. One end of the valley is blocked by a glacier, the other by a sunny lake. Between these two extremes are to be found all the gradations in fertility of which nature is capable. There are spots upon which the full springtide of Italy seems to have been shed, almost tropical in exuberance: others which the boisterous Rhone has converted into gravelly

[1] Documents relatifs à l'histoire du Vallais.

deserts; there are mountain slopes, festooned with vines or covered with exquisite verdure, while opposite rise vast expanses of naked rock, as devoid of vegetation as though smitten with a curse. In a few hours the traveler, passing up the valley, may experience all the sensations from burning heat to arctic cold.

A further contrast lies in the race and language of the people; the upper part, from the Rhone glacier down to Sierre, being inhabited by men of Alamannian stock and speaking German; while in the lower part the population is of mixed Celtic and Burgundian origin, speaking numerous Roman dialects, though French is now gradually superseding the older languages.

The same variety which is observable in nature and population to-day, existed also from an early date in the political affairs of the district.

After passing under the dominion of the Romans, of the two Burgundian Kingdoms, and of the rectorship of Zaeringen, the Valais, in the thirteenth century, became the scene of a struggle for supremacy between four powers or elements. First and foremost the Bishops of Sion, whose diocese covered the whole of the modern canton. The origin of the bishopric is not quite clear; it is known that, in 381, a certain bishop, Theodore or Theodul, who was the first ecclesiastical of that rank on Swiss soil, had his seat at Octodurum (Martigny); and that, in 585, a successor of his, Heliodore, had transferred it to Sedunum (Sion). In the course of the early middle ages, the episcopal possessions were curtailed by the encroachments of a second power, the house of Savoy. A series of conflicts ensued from this cause, until it was finally agreed, in 1384, to fix the boundary between the two at the stream of La Morge de Conthey, just below Sion. A third factor in the political problem was represented by the feudal nobility, a multitude of petty, quarrelsome lords, whose ruined castles may still be seen perched upon every available rock. Some were vassals of the bishop, others of the house of Savoy,

and others again dependent upon both. Amongst the principal families were the lords of La Tour, of Rarogne, and Saxon.

But what became of the people and of popular liberty in the midst of these rival factions? Was there no democratic element to counteract aristocratic rule? Fortunately a fourth power guarded their interests. It was the institution of the commune, known amongst the German-speaking population as the *Zehnte*, which is mentioned for the first time in documents of the thirteenth century, but bears evidences of much greater antiquity. The citizens of Sion seem to have been the first to organize themselves into a community of this sort, and then the country districts followed their example. At first the communes confined their attention to the management of strictly local affairs, possessing so-called *Plaits* or popular assemblies, not unlike the *Landsgemeinden* of German Switzerland; but later, from the middle of the fourteenth century on, the people began to take part in the general government of the whole country under the auspices of the bishop, who summoned their representatives from time to time to a *Conseil General de la terre du Valais.*

The various conflicts for supremacy finally resolved themselves into a well-defined struggle between the bishop and the communes on the one hand, and the house of Savoy with petty nobles on the other. In 1354, King Charles IV. confirmed the traditional liberties of the communes of the upper Valais. In 1375, a popular outbreak occurred, directed against the lesser nobility. Bishop Guichard Tavelli was one day at his castle *de la Soie*, above Sion, when he was attacked by order of his enemy, lord Antoine de la Tour, and hurled down from a window upon the rocks below. The people, infuriated by this dastardly act, proclaimed a war of revenge, defeated an army of nobles, exiled the family of la Tour, and finally, in 1388, in the same year as the battle of Näfels, inflicted an overwhelming defeat upon Count Amadeus VII., of Savoy, and his allies at Visp. Although the communes did not reap the full benefit of their victory in the peace which followed, still they

placed themselves in a position to make good their losses a little later, by entering into an alliance with certain members of the Swiss Confederation; for, in 1403, the Bishop of Sion and the people of the Valais entered into the perpetual citizenship (*Burg* and *Landrecht*) of Uri, Unterwalden, and Luzern.

Trouble broke out again, after a few years of deceptive peace. It appears that the lords of Rarogne, having been instrumental in driving out their rivals of la Tour, and finding themselves, as a result, masters of the situation, abused their power and influence to such an extent, that the people of the Valais were constrained once more to take up arms in self-defence. On this occasion, the patriots brought into play an old custom, which consisted in carrying from village to village a wooden club as a symbol of revolt. This *Mazze*, as it was called from the Italian *mazza*, a club, had carved upon it a human face in agony, to express violated justice, and was deposited before the residence of the lord of Rarogne. The latter had become a citizen of Bern, in order to avail himself of the protection this step would afford him, but the communes had been admitted to the citizenship of Uri, Unterwalden, and Luzern by a new alliance, in 1416. Here was a predicament for the Swiss Confederation to be placed in. If both parties carried out their engagements to their allies, civil war would be the result. As a matter of fact, the Bernese collected an army and invaded the Valais, but one of their detachments, which had crossed the Grimsel, was so completely repulsed at the village of St. Ulrichen, in 1419, that further attempts were abandoned. Through the intervention of the other Swiss Confederates, peace was established, the men of Valais paid a heavy indemnity to the lord of Rarogne, and the latter, seizing a propitious moment to sell his estates, left the country altogether.

Hereafter the growth of the Valais into an independent commonwealth was practically assured. The attainment of complete self-government, the triumph of democracy, could no longer be prevented by the aristocratic factions, and the mis-

sion of the Valais, to act as a southern bulwark to the Swiss Confederation, was made manifest. It was not until almost four hundred years later that this relationship was established on a still firmer basis, when the Valais became, in reality, a member of the Confederation.

But, like Appenzell, St. Gallen, and the Valais, ancient Rætia in the fourteenth century began to feel this same spirit of popular liberty which had gone abroad. A transformation was slowly preparing itself in that highland region, which, cut into many valleys by intersecting ranges, seemed predestined to local self-government or to the rule of independent lordlings.

The history of Graubünden is a reproduction in miniature of that of the Swiss Confederation as a whole. After passing through the vicissitudes of the Teutonic invasion, Rætia emerged into the feudal system, and took on that appearance of a mass of administrative fragments which characterized the other parts of Switzerland. There were the same ecclesiastical and secular rulers, the same groups of isolated freemen, and there resulted the same conflict of interests, and the same final victory of the people over their masters.

At the end of the 14th and beginning of the 15th centuries, three well-defined centres of government made their appearance; three separate leagues, which were known by the somewhat extraordinary titles of "The League of the House of God", "The Upper" or "Grey League", and "The League of the Ten Jurisdictions".

In 1367, the chapter of the cathedral at Chur with the subjects of the Bishop in the Valleys of Bergell, Oberhalbstein, the Engadin and Domleschg, and the burghers of Chur itself, concluded an alliance against the Bishop of Chur, the most powerful ruler of the whole country, because he threatened to compromise their interest, in an alliance which he had made with the Duke of Austria. This is the foundation of the so-called "League of the House of God", and here, also, as elsewhere in Switzerland, Austria was instrumental in forcing the people to build up free states. While this league was formed

almost entirely by subjects, *i. e.* by ecclesiastical serfs, the Upper, or Grey League, was the result of the combined action of serfs, freemen, and nobles. In 1395, the Abbot of Dissentis, the Lords of Räzüns and of Sax, with their subjects, and the communities between the source of the Rhine and the forest of Flims, solemnly agreed to protect one another and to settle all disputes by means of a board of arbitration of three men. It was a union of elements which elsewhere could not live at peace with each other, and was evidently the result of a mutual agreement to put a stop to the endless and useless quarrels which had devastated the upper Rhine Valley. The League of the Ten Jurisdictions arose from the fact that certain communities, at the extinction of the house of Toggenburg, of which they formed a feudal dependence, suddenly found themselves without an overlord, and consequently determined to govern themselves. In 1436, their representatives united in a league which was purely democratic, inasmuch as no ecclesiastical or secular nobles at all were to be found amongst the contracting parties — a league, therefore, which more nearly resembled that of the Forest States than the others in Rætia.

The first connection with any member of the Swiss Confederation occurred in 1400, when the Grey League entered into a perpetual pact with the community of Glarus. Moreover the three Rætian leagues eventually found it to their mutual advantage to draw closer to one another in order to form a federal state, somewhat after the pattern of the Swiss Confederation of Eight States. Although the exact date of this final union is not known with precision, it probably antedated 1450, and the meeting-place was Vazerol.

CHAPTER III.

THE CONQUEST OF VAL LEVENTINA AND AARGAU.

IT may almost be called an historical law that northern races, especially those inhabiting mountainous and barren regions, continually tend to encroach upon their southern neighbors on more productive soil. Anyone who has stood on some point of the great range which separates Switzerland from Italy, and, on a clear day, has seen the vineyards, the olive trees, and the rich plains of Lombardy spread out before him, can imagine the longing of the men of the rugged Forest States to possess that land of promise, or at least the slopes which led toward it.

Uri was the first to make any effort toward the accomplishment of this end. The possession of the St. Gothard pass was, in reality, a commercial necessity. An agreement was therefore made with the inhabitants of the valley of Urseren, which secured the freedom of that pass. The territory now comprised by the Canton of Ticino, the Val Leventina (German, *Livinen*), belonged to the Dukes of Milan. In 1331, the three Forest States and Zürich found it necessary to punish the inhabitants of that district for interfering with the free use of the St. Gothard as a trade route. In 1403, however, Uri and Obwalden, incensed because some of their cattle-dealers had been unjustly treated by the authorities of Varese, invaded the Val Leventina, and, taking advantage of the fact that the ruling Duke of Milan was temporarily involved in difficulties at home, forced the inhabitants to swear fealty to them. Uri and Obwalden simply substituted their own rule for that of the Duke of Milan, collected taxes, and sent gov-

ernors to keep the people in submission. It was the first example in Swiss history of a conquered province being openly annexed. There was no pretence of a league, of mutual advantages, or of equal rights. The people of the Val Leventina merely exchanged one master for another, between whom there was, in point of fact, little to choose.

Successive Dukes of Milan attempted to recapture Bellinzona, the military key of the valley, but with varying success. The Confederates were once defeated with great loss at the village of Arbedo, in 1422, and, in 1426, the whole of their possessions south of the St. Gothard returned into the power of the Milanese. Finally, in 1440, an army from Uri settled the question of ownership by bringing the valley once more into subjection. Hereafter the Val Leventina continued to be connected with the Swiss Confederation for some three and a half centuries, until, in modern times, it was admitted on an equal footing with the other Cantons.

The conquest of the valley of Domo d'Ossola (German *Eschenthal*), which was carried on almost simultaneously with that of Leventina, was not of vital importance in the building up of the Confederation, as the territory was eventually lost.

The same, however, cannot be said of the conquest of the Aargau, an event which left indelible traces upon the history and political organization of Switzerland, and deserves to be described in detail.

In the chapter on the political organization of the League of Eight States, it was noticed that they did not form a well-rounded, compact territory, that alien tracts of land, here and there, entered like wedges into their midst. This was particularly the case on the northwestern frontier, where the Austrian district of the Aargau presented a continual menace. To annex these lands, therefore, became a sort of cherished ambition amongst the Confederates. The Aargau also contained the ancestral castle of Habsburg; at Baden, the principal stronghold of the district, successive Dukes had collected their troops for the battles of Morgar-

ten and Sempach and for their attacks upon Zürich; and it was upon this hostile ground that the native nobility conspired on every occasion against the Confederates. Nothing, it was felt, could so effectually destroy the influence of Austria in the region south of the Rhine as the loss of the Aargau.

For the present, there seemed to be no opportunity of initiating so bold an undertaking, and, in 1412, the Confederates renewed their policy of friendship by signing articles of peace with Austria, which were to last for fifty years, until 1463. It must be said to the credit of the Swiss that the temptation to break this formal engagement came from the very highest secular and ecclesiastical authority in Europe, from no less a person than the emperor himself and from the hierarchy of Christendom, assembled at the church-council of Constance, from 1414–1418. It will be remembered that one of the objects for which that council was convened, was to settle the conflicting claims of three Popes, and that Pope John XXIII., who was on the point of being deposed, managed to escape from Constance with the help of Frederic, Duke of Austria. This was the signal for Sigismund, the emperor, who was also Frederic's bitter enemy, to put the latter under the ban of the empire, to declare his possessions confiscated, and to call upon his imperial subjects to rise and seize them in the name of the Empire. An exhortation to invade the Aargau was despatched also to the Swiss Confederates, as immediate dependants upon the Empire. In view of their fifty years truce with Austria, they did not at once comply with the royal request. While Austria's possessions in Swabia and the Tyrol were being fast brought into subjection to German conquerors, the Swiss hesitated to break their word, even to their arch-enemy. It took all the persuasive powers of Sigismund, coupled with his authoritative command, as head of the realm, to induce them, one by one, to appear in the field. He represented to them that their duty to the empire came before any pledges given to other powers; he

bribed them by declaring null and void all remnants of power which the house of Habsburg might still possess on Swiss soil, and by promising that they could keep whatever they could take by force of arms in the coming conflict.

Thereupon the invasion of the Aargau began. Bern opened the campaign, then came Luzern and Zürich. Finally the troops of all the Confederates met before the stronghold of Baden, which resisted their combined attack for a fortnight. They were gathering for a last decisive effort against the citadel, the so-called *Stein*, which is now one of the most picturesque ruins of Switzerland, when an admonition reached them from Sigismund to suspend their operations. It appears that Duke Frederic, rendered desperate by his misfortunes, had, in the meantime, submitted to the King. A reconciliation between the two rivals had been brought about, and an order issued to stop hostilities against Austria. But the lust of conquest, which the King's appeal to arms had conjured up, could not be allayed so quickly, nor could the Confederates resist the temptation of putting an end, once for all, to Austrian dominion in the Aargau. They disobeyed the royal command; and the messengers who came to Baden, bearing a second peremptory injunction from the King, had the pleasure of arriving just in time to see the Stein surrender to the Confederates. Sigismund threatened them all with his royal wrath, and declared that they had forfeited their right to retain the Aargau. The upshot of the quarrel was that, in 1415, a division of the conquered territory took place amongst the Confederates, but that they were obliged to pay handsomely in good round sums of money for their new acquisitions. The lion's share fell to Bern, which had been the first in the field. Zürich and Luzern each acquired small districts for themselves, and the rest became common Confederate property, to be administered conjointly by all; Uri alone refusing to take part, either on moral grounds, or, more probably, because it shrank from the responsibility of governing a province so far removed from its own frontiers.

It is evident that the system of joint property, of which this is the first example in Swiss history, was fraught with unknown dangers, and opened up a series of new problems for the Confederates. Looking back from our own day upon this experiment, we can declare that it was ethically wrong, as being opposed to the natural rights of man, and opposed also to the democratic traditions of the early Confederates. We can only regret that the Aargau did not first free itself from the Austrian dominion, and then, of its own free will, seek admission within the Confederation upon an equal footing with the other states. Unfortunately these moral considerations are out of place when treating of the fifteenth century. We must remember that the humanitarian aspect of these questions was unknown to the men of that time, being purely a modern product, so that it would be unfair to judge fifteenth-century men by nineteenth-century standards of national ethics.

CHAPTER IV.

THE FIRST CIVIL WAR.

JUST as the Confederation was becoming more compact in point of territory, and hence more secure from foreign interference, the latent antagonism which existed between the cities and the rural districts suddenly led to open hostilities.

The former embodied the principle of urban aristocracy, the latter, of agrarian democracy. Their estrangement was intensified by commercial jealousy, by the practice of excluding each other's trade products, upon the strange medieval idea that imports were injurious. Markets and trade routes were arbitrarily established or abolished, so that each state felt constrained to make conquests in order to gain trade, for commercial restrictions are, in their last analysis, acts of war. Mutual hatred had been especially accentuated by the conquest of the Aargau, which so materially increased the power of the cities. The result was an open feud, and it took the form of bitter hostility between Zürich and Schwiz. The centre of gravity of the Confederation had shifted from the country districts to the cities, and it was an attempt to alter this state of things which produced the so-called Old Zürich war. While the remote cause was this rivalry of the two parties, the immediate occasion of the war was the death of Frederic VII., Count of Toggenburg. He died childless and intestate, leaving his vast possessions to be scrambled for by a host of eager claimants. During his lifetime he had entered into a number of agreements with both Zürich and Schwiz. They had long cast longing glances upon his territory, as affording the only means of expansion which now remained to them. In this struggle

for the possession of Toggenburg the long-pent-up hatred of the two rivals at length found vent. Schwiz seized a part of the contested estates, and the Bürgermeister of Zürich persuaded the widow of the late Count, who claimed to be the legal executrix, to entrust another portion to his city. With the help of Glarus, Schwiz proceeded to bring more territory under her sway, and thus called forth expostulations from jealous Zürich.

As all remonstrances proved futile, Zürich then took a measure to which she had a legal right in her capacity as an imperial city. She closed her markets to Schwiz and Glarus, and instituted a veritable blockade against them. Great want ensued in the districts which were thus cut off from supplies, but, as is always the result of such restrictive or protective measures, Zürich herself, felt the blow almost as severely. Instead of bringing about a solution of the difficulty, the blockade simply embittered the rivals, and made a violent outbreak of some sort more certain.

Disappointed by this failure, Zürich cast about for some new weapon to forge against Schwiz and the other Confederates, who had now declared for Schwiz. She appealed to the emperor for intervention. Unfortunately the House of Habsburg was then upon the throne, and the person to whom Zürich appealed against the Confederates was Frederic III., of Austria. When we consider the part which Habsburg-Austria had played in the history of the Confederation, we can understand that the Confederates looked upon this act of Zürich as a veritable outrage against themselves, as a piece of treachery without name. The country was filled with horror at the conduct of the old ally. Both sides found expression for their feelings in popular songs, in which they derided, taunted and challenged each other in the rudest fashion.

In 1442, Zürich concluded a league with the Emperor, in which the city promised, in return for his help, to support his pretentions over the Aargau. At the same time, Frederic refused to confirm the charters of the other Confederates, as

was customary upon the accession of every new sovereign, but came to Zürich in person to testify his friendship. The Habsburg symbol, the peacock feather, was substituted in the streets of Zürich for the white cross, which had generally become the sign of the Confederation.

In 1443, the Confederates declared war against the monstrous combination of Austria-Zürich. At first there were short skirmishes in which the Confederates were victorious. An important battle was finally fought before the gates of the city, at a chapel of St. Jacob, near the little stream of the Sihl. The Confederates advanced upon Zürich from the direction of Zug, and as they came out upon the height above the town, they suddenly beheld the whole district spread out below them like a map. It was determined to cut off by a flank movement the hostile army which had ventured far out beyond the walls into a great field. The plan succeeded admirably. Caught in a trap, the townsmen and their Austrian allies fought desperately, but were hopelessly defeated and thrown back upon Zürich. A last stand was made at the bridge over the Sihl, where Rudolf Stüssi, the Bürgermeister, perished in a vain attempt to stem the tide of the advancing Confederates. This victory was followed by a short truce, known as the Bad Peace (*Fauler Friede*), because it was not kept by either party. The Confederates upon one occasion stormed a stronghold in Zürich territory, the Greifensee, and put the whole garrison to the sword in the most treacherous and inhuman manner. Finally a regular siege was laid to Zürich itself, the Confederates being determined to bring this wearisome and, heretofore indecisive, war to a close. The city was strongly fortified and ably defended, so that no definite result was obtained, but the Austrian party bethought them of a means by which the Confederate force might be diverted elsewhere, and perhaps the whole Confederation eventually brought into subjection to Austria. Frederic III., applied to Charles VII., of France, for the loan of 5000 mercenaries. A truce of eighteen months had just been declared between France and Eng-

land. It was in the year 1444, and Charles was delighted to find an opportunity of getting rid of the military vagabonds, who, in time of peace, were a veritable plague in the land. Instead of the number demanded, he sent 30,000 Armagnacs, so-called after their original leader, Bernard, Count of Armagnac, placing them under the command of his son, the Dauphin, who was later Louis XI.

The main force of the Confederates lay before the castle of Farnsburg, near Basel, besieging Thomas of Falkenstein, one of the Austrian leaders, when rumors of an approaching host came to their ears. The Armagnacs, called by the people *Ecorcheurs* (German *Schinder*), i. e. robbers, passed through the Franche comté, by Montébliard to Basel, sacking and burning the peaceful country homes which lay in their path. At Farnsburg, the Confederates held a council, the result of which was that a small force, about 1300 in all, was despatched to reconnoitre, but with particular instructions not to be enticed into a pitched battle. A Church Council was just then in session at Basel. In fact, the most reliable information which has been handed down concerning the resulting events is derived almost exclusively from prelates and noblemen who were there in attendance. As the little force was advancing upon Basel, they met two Canons of Neuchatel who warned them of the strength of the enemy, but in vain, for one of the leaders answered, "Then we commend our souls to God and our bodies to the Armagnacs."[1]

At the village of Pratteln, they came upon the out-posts of the enemy who retreated before them to Muttenz where another skirmish took place, with the result that the Armagnacs, though much superior in numbers, were thrown back across the little stream of the Birs. At the water's edge the Confederates stopped to consider what they should do. Finally yielding to some hot heads in their midst, unmindful of the instructions they had received, and in sight of the whole host of Armagnacs drawn up in battle-array, they crossed the Birs

[1] Oechsli, W. Quellenbuch. p. 143.

and threw themselves, with lion-like but foolhardy bravery, upon the astounded horsemen. They fought against these terrible odds from early morning until noon, when they were constrained to take refuge in the chapel of St. Jacob and the walled garden which surrounded it. Here they maintained themselves for hours, repulsing charge after charge of the infuriated enemy, until hardly a man was left to carry on the battle. The Armagnacs on several occasions tried to stop the fight, struck dumb by this display of courage, but the Austrian leaders who were present amongst them, urged them on to the extermination of the hated foe. It is reported that only 200 Confederates survived the battle, and that even they were all wounded.

Aeneas Sylvius Piccolomini, later famous as Pope Pius II., attended the Council of Basel. He describes some of the feats of valor performed by the vanquished, in a letter to a friend. "The Swiss," he says, "tore the bloody arrows from their bodies, and threw themselves upon the enemy even after their hands had been cut off, not breathing their last until they had themselves killed their murderers."[1] A French nobleman, Matthiew de Coucy, was assured by veteran soldiers who were present, "that they, in their day, had neither seen nor found men so valiant in defence nor so outrageously fearless in sacrificing their lives."[2] As Jean Chartier, the French historian, naively remarks, "Thereupon the Dauphin, seeing that it was a strange and amazing country, . . . returned to Nancy."[3] In truth, he hurriedly made peace with the Swiss, and left them masters of the situation.

With justice has this terrific battle been called the Thermopyilae of Switzerland, for there was the same disparity in numbers, the same heroism in defence, and the same virtual victory in defeat.

In 1450, Henry of Bubenberg, the Schultheiss of Bern, was chosen final arbitrator of the war and its results. He

[1] Oechsli, W. Quellenbuch. p. 146.

[2] Ibid. p. 148.

[3] Ibid. p. 148.

delivered his judgment at Einsiedeln, whither all the Confederates had been summoned to send delegates, in compliance with the Zürich league of 1351. He declared the alliance between Zürich and Austria to be null and void, and once more brought into force the perpetual league which bound Zürich to the Confederation. On the other hand, Zürich was to regain the territory she had lost during the war, Schwiz retaining only a few unimportant accessions won from the Toggenburg possessions.

In reality, a great principle had been at stake in this war, although disguised by numerous complications. It was the question of Federalism versus States-rights, of centralization against localism, a struggle which really never ceases in any federated state. The national idea, though imperfect and crudely apprehended, had come off victorious against the separatist ambitions of Zürich; and the evil machinations of the arch-enemy, Austria, had once more come to naught.

CHAPTER V.

THE WAR WITH CHARLES, THE BOLD, OF BURGUNDY.

THE Confederates emerged from the experience of the Old Zürich war more united at home and more formidable abroad. It was a time of new departure in their national life; for they had now embarked upon the sea of international politics, a distinct power, a new force in Europe, no longer negligeable. The battle of St. Jacob an der Birs was reported far and wide, calling attention to their extraordinary military prowess.

Mr. John Foster Kirk, in his "History of Charles, the Bold, Duke of Burgundy," thus aptly describes the Swiss Confederation of the middle of the 15th century: "It constituted, not indeed a nation, but a unique and terrible power, exultant in its indomitable strength, and defiant of the storms that were sweeping around it, convulsing and dislocating all the adjoining lands."[1] Strong and weak were irresistibly attracted, the former to secure the military co-operation of the Confederates, the latter to seek their protection. Hence it happened that the next few years witnessed a number of new alliances or the confirmation of old ones.

In 1450, Glarus was finally admitted on an equal footing with the other states. In 1451, St. Gallen, the Abbey, drew nearer; in 1452, the community of Appenzell followed suit, and in 1454, St. Gallen, the Town. About this time, even the German imperial cities of Schaffhausen and Mülhausen sought the friendship of the Confederates. In 1452, a treaty was concluded with France, to be renewed in 1463. The relations

[1] Kirk, J. F. History of Charles, the Bold. vol. II., p. 282.

with the powerful duchies of Milan on the South and Burgundy on the West were satisfactorily regulated.

How was it, then, that a few years later the Swiss found themselves contending in a struggle for life and death against this last power; departing apparently so far from the national aspirations they had marked out for themselves, as to engage in a policy of foreign adventure, and to be caught in the meshes of general European diplomacy?

In truth, the causes of the great duel between Charles, the Bold, of Burgundy and the Swiss Confederates have proved more or less of a bone of contention amongst historical scholars. Two points, however, in the controversy may be accepted as well established. The Swiss themselves were the aggressors, contrary to common opinion, and they were also undoubtedly entrapped into the war by designing neighbors. Charles himself never set foot on what was then Swiss soil, while the Swiss went to meet him in full reliance on help from allies who never came. They entered into the contest as auxiliaries, only to find themselves principals. They were tricked into an attitude of hostility to Charles, and the brunt of war shifted upon their shoulders, so that, in the end, it would seem as though the combatants themselves had least to do with producing the war, and were the least culpable of its bloodshed.

Indeed, this seemingly unlikely encounter was brought about by a set of strangely complicated circumstances.

There was first the desire of Charles, the Bold, Duke of Burgundy, to found a great middle-state between Germany and France, and to revive the glories of the ancient kingdom of Burgundy. The late Mr. Freeman, in his essay on "Charles the Bold," has pointed out this peculiar aspect of the question. "From the ninth century to the nineteenth," he writes, "the politics of Europe have largely gathered round the rivalry between the Eastern and the Western kingdoms — in modern language, between Germany and France. From the ninth to the nineteenth, a succession of efforts have been made to establish, in one shape or another, a middle-state between the

two" . . . "That object was never more distinctly aimed at, and it never seemed nearer to its accomplishment, than when Charles, the Bold, actually reigned from the Zuyder Zee to the lake of Neuchatel, and was not without hopes of extending his frontier to the Gulf of Lyons."[1]

Then there was the anxiety of Louis XI., king of France, to prevent this extension of power, which could only be brought about at his expense. All the resources of his singularly shrewd character were enlisted in order to keep Charles in a state of vassalage. Indeed, one cannot appreciate the full import of the impending contest without constantly bearing in mind, that it was but one phase of the more general conflict which was being waged everywhere in Europe between sovereigns and their vassals, between the principles of centralization and decentralization in things political. In point of fact, the antagonism between Louis and Charles was of the same kind as that which had manifested itself in a somewhat different manner between the central authority of the Confederation and the separate states in the Old Zürich war.

The Swiss were brought into touch with this diplomatic game through their relations with King Louis XI., on the one hand, and with Duke Sigmund, of Austria, and Duke Charles, of Burgundy, on the other. Since 1463, they were bound to France by close and friendly ties. The king showered gold upon their public men, a French party was formed within the Confederation itself, led by Nicolas von Diessbach, of Bern, and Jost von Silenen, of Aargau. It is too much to say, however, of the Burgundian war, as Mr. Kirk does in his work mentioned above, "that it was undertaken at the instigation of France, for the interest of France, and in the pay of France."[2] Certain peculiar complications with Duke Sigmund, of Austria, also threw the Swiss unwittingly into a hostile attitude toward Burgundy.

As yet nothing had intervened to put a stop to the heredi-

[1] Freeman, E. A. Historical Essays. Vol. I. p. 336.

[2] Kirk, J. F. History of Charles, the Bold. Vol. III p. 9.

tary enmity between Austria and the Confederation. Following an admonition of Pope Pius II., the Swiss, in 1460, had invaded the Thurgau, the last of the Austrian possessions south of the Rhine. Like the Aargau, this new territory was administered hereafter conjointly by seven states as a common bailiwick. In 1468, they had followed up their success by further encroachments upon Austrian dominions. Their allies, the cities of Schaffhausen and Mulhausen, complained of being hard pressed by various Austrian partisans, and called for help. This was the excuse for an extended expedition into the Black Forest and Elsass, where no one ventured to offer serious opposition. On their way back, the Swiss laid siege to the stronghold of Waldshut. They would not stir until they had brought Duke Sigmund to agree to certain specified terms, which are worth noting with great care, because they acted as the point of departure for the whole train of events which led to the war of Burgundy. The otherwise inexplicable attitude of the Swiss Confederation will seem less faulty and less irrational.

Duke Sigmund promised to pay the sum of 10,000 florins within one year, and if he could not fulfil his engagement, to cede Waldshut and the Black Forest to the Confederates. Being unable to raise this sum within the time agreed upon, he tried to borrow from Louis XI., but, receiving a negative answer, turned to Charles, the Bold. In 1469, a treaty was concluded between the two Dukes, at St. Omer; Sigmund mortgaged the Black Forest, Waldshut, and Elsass to Charles, for 50,000 florins. The latter was to satisfy the demands of the Swiss, and, if possible, to bring about a reconciliation between them and Sigmund; but, if the Swiss attacked Sigmund, Charles was to give him his support.

Austria's offers of reconciliation proving too heavily encumbered with inadmissable conditions, the Confederates came to look upon Charles as a possible enemy in any hostilities which might result. Then came the further fact that his governor in Elsass, Knight Peter von Hagenbach, drew upon himself the

hatred of the native population by his tyrannous conduct. The Swiss protested to Charles against von Hagenbach's treatment of Mülhausen, their ally, but without success.

It was at this moment, when an estrangement between Charles and the Swiss had begun to manifest itself, that Louis XI., of France, determined to extract some advantage for himself. He sought to isolate Charles by reconciling Sigmund to the Swiss, a task which a less wily diplomat might certainly have considered altogether impossible, but which was, in point of fact, accomplished with consummate tact, and fox-like cunning. The treaty of St. Omer had not proved satisfactory to Sigmund; he found Charles establishing himself firmly in Elsass, and his lost provinces seemed further than ever from his grasp, as the time slipped by, and he was still unable to comply with the conditions of payment. In his predicament, Sigmund turned for help to Louis XI., with the result that an altogether new grouping of forces was effected; for the French King persuaded Austria and the Confederation to approach one another, and to draw up the preliminaries of a Perpetual Peace (*Ewige Richtung*), which was to be formally adopted, two years later, in 1476.

All honor to the monarch for thus bringing to a close this seemingly interminable struggle! It had been waged intermittently for about two hundred years, so that it had become part and parcel of the national policies of the two sides.

To have reconciled enemies, heretofore, with reason, considered hopelessly estranged, was no mean performance — but behind this apparently disinterested service there lay a far-reaching plan which aimed not at the welfare of the Confederates but at the aggrandizement of France. It will always remain a much-vexed question just how far Louis XI. was responsible for the events which succeeded this pact of friendship, whether he directed them, or was himself swept away by the force of circumstances. Certain it is that

while he worked for certain ends, a series of events was furthering his plans in the most remarkable way. Through the influence of Nicholas von Diessbach and Jost von Silenen he won the close alliance of the Swiss. An agreement was made that, should they become involved in war, notably with Burgundy, they might count upon his help; and, as an expression of his friendship, he was to give the Eight States, with their allies, Fribourg and Solothurn, an annuity of 2000 francs each, besides 20,000 francs to be distributed equally amongst them. In return for this they pledged themselves to supply the French King with mercenary troops whenever he should require them.

In the meantime, Peter von Hagenbach's rule in Elsass had culminated in a popular revolt. He was condemned to death in a trial at which the Swiss participated, and finally executed.

In 1474, a declaration of war was sent to Duke Charles of Burgundy by Bern, in the name of the whole Confederation. The magistrates and people of the communities, constituting the "Great Confederacy of Upper Germany," as the Swiss Confederation was officially styled, proclaimed themselves enemies of the Burgundian prince. Soon after, an expedition, composed of Swiss and Austrians with contingents from Elsass, invaded Burgundy, during Charles' absence in Germany, and laid seige to the stronghold of Hericourt. Louis XI., watched their movements with pleasure, and was full of compliments for the Swiss when they defeated the Burgundians and took Hericourt after a stubborn fight. As Charles did not immediately return, Bernese troops continued to make several incursions into his territory, then penetrated into the land of Vaud, at that time under the dominion of the house of Savoy, and advanced as far as Geneva, which city was forced to pay a large ransom in order to rid itself of these unwelcome guests.

At length, Charles, the Bold, returned from his German expedition, collected his troops at Nancy, and prepared to march upon Bern by way of the lake of Neuchatel. On the

19th of February, 1476, he stopped to lay siege to the little town of Grandson, at that time held by a detachment of men from Bern and Fribourg. He met with desperate and unexpected resistance. The garrison retired to the castle, where they repulsed his repeated assaults with so much success, that he felt himself wasting precious time and grew daily more impatient to advance on his way to Neuchatel. But as reinforcements, now long expected, failed to come to the relief of the brave garrison, the latter, reduced to extremities, discouraged, and no longer united, finally surrendered to the Burgundians. In a Chronicle of the Canons of Neuchatel, it is said that a certain Knight de Rondchamps tricked them into submission, by assuring them that the Duke had taken the whole country round about, and would be merciful to them if they surrendered. However that may be, it is certain that when the captives were led before Charles he ordered them all, to the number of four hundred and twelve, to be hanged or drowned in the lake, an act of atrocity which was designed to intimidate the Confederates, but in reality filled them with the bitterness of revenge. Panigarola, the ambassador of the Duke of Milan in Charles' camp, wrote home: "It is a horrible, a fearful sight, that of so many dangling corpses."[1]

Now the Duke of Burgundy was ready to march upon Neuchatel. His army has been computed at about 20,000 strong, horse and foot, equipped with the best arms of the age, and especially well supplied with artillery. The camp itself was fitted up most lavishly, for Charles passed for the richest and most extravagant prince of his day. Like the Austrian Dukes at Morgarten and Sempach, he never for one moment doubted the issue of the battle, in his over-confidence even neglecting to take the proper precautions against surprise.

In the meantime, the Confederates had been quietly collecting their contingents at Neuchatel. There had been great delays; they had not arrived in time to relieve Grandson, but on the 2d of March, they advanced, somewhat over 18,000

[1] Kirk, J. F. History of Charles, the Bold. Vol. III., p. 316.

men in all, a well-armed, well-trained host, under experienced leaders, to meet the redoubtable prince.

In order to understand the course of the battle, the following topographical details must be noted. The Jura mountains run almost parallel with the shore of the lake of Neuchatel throughout its length, but at a point between Neuchatel and Grandson, a spur of the range approaches so close to the water's edge as to form a narrow pass, known as *La Lance Chartreuse*. The possession of this spur and this passage was of prime importance to both armies, and it was here that they met unexpectedly, coming from opposite directions.

Instead of following the road along the water's edge, the vanguard of the Confederates struck up over the spur of the mountain into an old Roman road, known locally as the *via détra*, driving before them the Burgundian archers who had been posted there to dispute their passage. As they rounded the point they suddenly beheld the whole Burgundian army spread out in the plain below, as far as Grandson, in all the pride and perfection of accoutrement, just preparing to march. It was the intention of Charles to take the spur, but finding it already occupied by the Swiss, he changed his plan and tried to draw the enemy down into the plain, where he could surround them with his superior numbers.

The Swiss vanguard decided not to wait for the main body which was on the march behind them, but promptly formed into a square, bristling with spears, fell on their knees to pray, amid the derisive laughter of the Burgundians, and as soon as they rose, the battle began. At first, the Burgundian artillery brought many of them to the ground, but by moving a little to one side they could place themselves out of range. Then Charles sent his cavalry upon their right flank, but with no success. Finally he led a charge himself from the centre, only to find the Swiss square unshaken.

It was at this moment that the Duke bethought him of a new disposition of troops, by which he might entice the Swiss vanguard into the plain and annihilate them, for, in spite of

their brave stand, their ranks were thinning perceptibly. He ordered the artillery and infantry to deploy from the front to the flanks. As fortune would have it, the long-expected main body of the Confederates appeared over the brow of the spur, just as his troops were effecting this change. It was the conjunction of these two movements which decided the issue of the battle, for the rear of the Burgundian army, seeing the simultaneous withdrawal of their own artillery and infantry with the jubilant advance of the Swiss down the hillside, became panic-stricken and fled, shouting, "*Sauve qui peut.*"

Etterlin describes this scene in his "Kronica der Loblichen Eydtgnoschaft": "Now, when the Duke of Burgundy saw the hosts descending the mountains, the sun just shone upon them, and they glittered like a mirror; at the same time the horn of Uri bellowed, and the war horns of Luzern, and there was such a roar that the Duke's men shuddered at it and retreated."[1] Charles himself, exasperated beyond measure by the stupid cowardice of his troops, rode amongst them with drawn sword, striking them furiously, in the vain effort to bring them to a standstill. But his army had passed entirely beyond his control; it fled, without looking back, helter-skelter, leaving everything in the camp in hopeless disarray, and back to Burgundy.

When the Confederates arrived before the castle of Grandson, they were horrified at the sight of their comrades hanging, "still fresh, from the trees." "There hang father and son together," writes Etterlin; "there two brothers or some friend or other; and the good men who knew them, their friends, cousins, and brothers, found them there, hanging so pitifully."

But in the camp another and very different reward awaited the Confederates. A greater part of the wealth in arms and apparel, in gold and silver and precious stones, which Charles, the Bold, carried about with him, lay open to pillage. It has been calculated that more than a million florins' worth of spoils fell into the hands of the Swiss. Diebold Schilling, a Bernese

[1]Ochsli, W. Quellenbuch, p. 174.

chronicler, in 1484, drew up a more or less accurate list of the booty taken at Grandson. He enumerates amongst other articles: 420 pieces of artillery with much powder, many silken banners, costly garments, silken tents and great stores of merchandise and provisions; precious stones of such value that no man could properly estimate them, notably three great diamonds, whose subsequent adventures read like romances. One now adorns the papal tiara, another is said to be in the treasury of Vienna, and the third to have been until lately amongst the crown jewels of France. Schilling is very careful in his description of a wonderful golden casket, containing holy relics, pieces of the true cross and the crown of thorns. A comical aspect is lent to this wholesale plunder by the fact that, for sometime after the battle, silken clothes and doublets and other precious articles were worn as commonly throughout the Confederation as ordinary cloth had been before. But the after effects of this sudden wealth were more serious in other respects, for there was engendered a whole train of corruptions, a taste for plunder, a feeling of envy, and, in general, a departure from the simple habits of the olden time.

The loss of life was not very great in the battle of Grandson, for the Burgundians hardly fought at all, while the conquerors had no cavalry to complete the pursuit. On the whole, therefore, the Swiss victory was more of a moral than a material one. It was evident that Charles would soon be in position to renew the struggle, his forces being only scattered and not annihilated. Full of exultation and of confidence in the future, the Confederates disbanded and returned to their homes.

As soon as the Duke of Burgundy had recovered sufficiently from the stupefaction into which this unexpected defeat had plunged him, he swore revenge against the impudent peasants who had brought such shame upon him. This time again Bern was made the objective point, but he determined to reach that city by the way of Murten (Morat), a walled town on the lake of the same name, which was defended at the time by a Bernese garrison, under Adrian von Bubenberg.

There was considerable difficulty in getting the Confederate army together, and in the meantime, Charles settled down before Murten with a force of about 25,000 men, determined not to move until he had reduced the stronghold. The siege began on the 9th of June, 1476. It was carried on with great vigor; assault followed assault in quick succession; great siege-guns were trained against the wall; a part of the town wall and adjacent houses were shot down; and Charles counted upon taking the place in a few days. But Bubenburg displayed great courage and skill in the defence. With the help of some artillery pieces, sent from Strassburg, and carefully constructed intrenchments, he repulsed all the charges of the enemy. Still his position was, at the best, very critical, and he looked with growing impatience for the arrival of the Confederate army.

The peril was great, for, should Murten yield, Bern was exposed to almost certain capture. In this extremity, the Bernese council sent a missive to the Confederates, urging them to make haste. "Dearest friends and brothers," runs the letter, "were the need not so great, we should be loath to use such pressing and burdensome solicitations. But our affairs, alas! are in a state which obliges us to load you beyond our desire. If God grant that we preserve our existence and power, we will show our eternal gratitude, to the extent of our ability, with steadfast brotherly love, never separating ourselves from you." At length the contingents began to arrive in the city, and were then promptly dispatched to a general meeting-place in the village of Gümminen, on the road to Murten. Besides the troops of the Swiss states themselves, came Duke Renatus of Lorraine, Count Tierstein, an Austrian Governor, the Count of Gruyères, and reinforcements from Elsass — making a total of about 25,000 men, the same in number as the Burgundian army. The men of Zürich alone failed to respond promptly, in spite of Hans Waldmann's earnest entreaties. It was not until the 22d of June that the whole Confederate army advanced upon Murten.

The battle was fought in the rolling country, partly wooded and partly rising in tablelands, which separates the lake of Murten from the valley of the Saane (Sarine). Charles, the Bold, had brought his troops from Murten to meet the enemy in this region, leaving only a small body to watch the besieged town. He placed his centre at Münchenwiler, the right wing at Cressier, where stood a chapel dedicated to St. Urbaine, and his left near the forest of Murten. The Confederates sent a body of cavalry, their Alsatian allies, to spy out his position in the early morning, causing the Burgundians to hastily take up their position in battle-array. In reality it was not till noon that the attack began. In the meantime, as hour after hour slipped by without leading to hostilities, Charles allowed his troops to scatter and gave up all expectation of a battle that day. When finally the whole Swiss army appeared, he was taken by surprise, and his dispositions had to be made with great haste.

It appears that the Confederates were at first brought to a standstill by a palisade of some sort which the Burgundians had erected. They were mercilessly cut down by a well-directed artillery fire. A detachment, however, was sent around to attack the right wing of the enemy. As soon as the success of this latter movement was assured, the whole Swiss force broke through and drove the Burgundians pell mell upon Murten. In vain did Charles try to stem the current of retreat; his troops, as at Grandson, seemed incapable of facing the Swiss; neither his splendid cavalry nor the far-famed English bowmen who accompanied him, could be brought to a standstill. He himself escaped by the road to Avenches, but the mass of the infantry were hemmed in at Murten by the pitiless hosts of the Confederates and the cavalry of their allies. Here the defenceless and demoralized Burgundians were butchered without remorse or driven into the lake and drowned. It was an act of deliberate ferocity, for the Confederates had agreed to slay everyone within reach. The loss of the enemy was, therefore, enormous —

according to Panigarola, the Milanese ambassador, somewhere between 8,000 and 10,000, while the Swiss did not lose more than a few hundred men. On the other hand, the booty was nothing like as valuable as that of Grandson.

The last chapter of this great Burgundian war was enacted a year later, at Nancy, when Renatus, Duke of Lorraine, called upon his allies, the Swiss, to help him reconquer his country from Charles, the Bold. More than 8,000 Confederates took part in a decisive battle under the walls of Nancy. Two days after, the body of the restless and foolhardy Duke was discovered near the city, disfigured almost beyond recognition. He had been carried away in the general flight of his troops and killed by some unknown hand.

Mr. Freeman has justly said: "The history of Charles is a history of the highest and most varied interest. The tale as a mere tale, as a narrative of personal adventure and a display of personal character, is one of the most attractive in European history."[1] Walter Scott has sufficiently popularized the outlines of his general career in the two novels of "Anne of Geierstein" and "Quentin Durward", to make him a familiar figure to readers of English. But nothing can surpass the simple, concise pathos of the ancient rhyme which told how Charles lost:

Bei Grandson das Gut,
Bei Murten den Mut,
Bei Nancy das Blut.[2]

[1] Freeman, E. A. Historical Essays. Vol. 1, p. 335.

[2] Dändliker, K. Geschichte. p. 226.

CHAPTER VI.

THE COVENANT OF STANS.

THE effect of the Burgundian war upon the Swiss people has been aptly likened to that of the Persian wars upon the Greeks or the Punic upon the Romans. It widened their horizon ; it opened up new fields of enterprise, and led to the point of highest military renown in the history of Switzerland ; but, at the same time, it admitted fresh dangers and hitherto unknown temptations, and proved the precursor of an internal crisis which brought the Confederation to the verge of dissolution. The generation, which grew up after the Burgundian period, was corrupted by booty or the lust of it, by the uncertain pay and flattering annuities of Sovereigns who cared nothing for the real welfare of the Swiss, but only sought to procure them as mercenaries.

No sooner was the exhilaration of actual warfare a thing of the past, than the old rivalry between the cities and the country districts flamed up anew. This time a further cause of dissension came to light, namely, the dissatisfaction of the Forest States with the distribution of booty taken in the late war, and with the tribute exacted from conquered states.

The preponderance of power had been for a long time tending to pass over to the three cities of the Confederation, in fact, the leadership of the country districts, if it existed at all, was purely historical, and the cities, especially Bern, had undoubtedly managed the campaign against Charles of Burgundy. A number of incidents followed each other in quick succession which helped to increase the antagonism. In 1477, some unemployed mercenaries at Carnival time broke forth

from Zug and overran the country, demanding tribute from the cities. Even distant Geneva was obliged to pay a good round sum in order to propitiate this "joyous band of the mad life", as the adventurers called themselves. Under the plea that this uproar had received the connivance of the authorities in the country districts, the cities met and formed themselves into a separate league with a separate Diet. By entering into this alliance, Luzern broke that article of her league with the Forest States, which especially declared that none of the contracting parties were to make alliances with other powers except by the permission of the rest. For this broken faith the Forest Cantons incited the Entlibuch to rebel, a district held in subjection by Luzern. The rebellion did not succeed in its object, but served to increase the tension which already existed between the two parties. Another object of contention was the admission of Fribourg and Solothurn into the Confederation, demanded by the cities. The country districts, on the other hand, refused, because this addition to the number of cities would have given them a definite preponderance in the Confederation. A welcome diversion for a moment drew the attention of the contending parties elsewhere, to an expedition into Milanese territory, where they gained a brilliant victory at the little village of Giornico, in 1478. No sooner was this adventure over, than the quarrel broke out afresh, with increased violence. It became evident that nothing short of a complete revision of the leagues which bound together the various States of the Confederation would prevent this Constitutional crisis from developing into Civil war.

An agreement was finally made to hold a Diet at Stans in the State of Unterwalden. There the grievances of the two parties could be discussed and a definite solution given to the questions which were demoralizing the state.

In 1481, this assembly of delegates drew up a charter, which was known as "The Covenant of Stans" (*Stanser Verkommnis*), but not before the delegates, thus convened, had been several times upon the point of going apart amid scenes of the great-

est disorder. It is related by the only contemporary chronicler of this famous convention, Diebold Schilling, of Luzern, that just as the meeting was breaking up without having reached an agreement, and war seemed inevitable, Nicholas von der Flüe, a hermit who lived near by at Sachseln, was asked for advice by the parish priest of Stans. The excited delegates were persuaded to listen to his words of reconciliation and peace. In consequence of this intervention the Diet was not fruitless, for the delegates resumed their labors, and brought them to a successful termination by drawing up the above-mentioned Covenant. It was agreed that the separate leagues of the cities should be annulled, and that Fribourg and Solothurn should be admitted into the Confederation.

Moved by the remembrance of the popular excesses which had been of frequent occurrence within recent years, the Confederates were persuaded to insert into the Covenant two articles of a restrictive character. "We have also agreed and determined," says the text, "that hereafter no one amongst us and in our Confederation shall secretly or openly, in town or country, hold any unusual, dangerous gatherings, assemblies or discussions, from which there might result harm, tumult or mischief to any one, without the will and permission of his lords and superiors." . . . "And if contrary to this [stipulation], any amongst us should undertake to hold, or give help, or advice, concerning any such aforesaid dangerous gatherings, assemblies or discussions, he and those men shall straightway and without hindrance from their lords and superiors be punished according to their fault."[1]

The stipulations of the Covenant of Sempach and the Priest's Charter were reaffirmed at the end of this document; and to familiarize the rising generation with the leagues which bound the several States to each other, it was agreed that they should be sworn to every five years.

It is important to note the drift of public opinion at this time as expressed in the article I have quoted above. The

[1] Oechsli, W. Quellenbuch. p. 203.

repression of popular excesses was undoubtedly within the province of the constitutional rights of the Confederates, but to forbid all popular meetings of any sort, all expressions of the public will, whatever their purport, was to deal a crushing blow to the democratic principles and practices which had so far been the chief glory of Switzerland. In fact, an aristocratic wave was passing over the land, due partly to the preponderance of the cities which were governed by powerful magistrates instead of open-air assemblies like the country districts, and partly to the influence of foreign Courts. As a sign of the times, therefore, these stipulations of the Covenant are ominous, and prophetic of a certain decay of democracy.

CHAPTER VII.

THE WAR AGAINST THE EMPIRE.

THE signing of the Covenant of Stans was followed by about fifteen years of comparative peace, broken only momentarily by a successful expedition into Milanese territory, and by the autocratic, and at times violent, career of Hans Waldmann, now Bürgermeister of Zürich.

In 1449, the reigning tranquility was brought to a close in an unexpected manner. The Swiss Confederates became involved in a quarrel with the German emperor himself, a quarrel which finally resulted in their complete separation from the empire. Heretofore there had been no thought of breaking with the traditional allegiance; on the contrary the Confederates had always set a great value upon the protection thus received. But a change in the relations between the two parties was now imminent.

Of course the Swiss Confederation was originally only one of many leagues which arose in the course of the thirteenth century, and its creation was due not to hostility against the empire, but against the encroachments of Habsburg-Austria. When, however, all the other leagues gradually sank into impotence, leaving the Swiss alone to testify to the principles inherent in such organizations, the latter naturally assumed a peculiar position within the Empire. Moreover, as the house of Habsburg, the traditional enemy, once more came to the throne of Germany, the amicable relations between the Swiss and the sovereign received a severe shock.

Add to this that the Burgundian War had taught the Confederates their real strength and self-sufficiency; that they had

entered into a close alliance with the King of France, then at enmity with the German Emperor; and finally that their democratic principles and practices were in continual contrast to the aristocratic organization of Germany, and we have an explanation of the movement which, at this time, led to the separation of Confederates from the Empire of which they nominally formed a part.

It will be remembered that Maximilian I. carried out a complete reorganization of the Empire at the celebrated Diet of Worms, in 1495, instituting an Imperial Chamber and new subdivisions of the whole country. The Swiss, being still nominal members of the Empire, were asked to give their acquiescence to these changes and to subscribe their share to the public expenses; but, proud of their independent position, and satisfied with their own way of governing themselves, the Swiss refused to take part in this reorganization or to pay the imperial taxes demanded of them. Instead of this, they allied themselves still more closely with the King of France, who rewarded them with money, in pay and pensions. When Maximilian threatened to invade the Confederation if his demands were not complied with, the Bürgermeister of Zürich, who had been sent to carry on the negotiations, is said to have replied: "Gracious lord, I should not advise you to do this; we have so ignorant and rustic a populace, that they would not spare, I fear, even the imperial crown."

While this slumbering antagonism contributed not a little to the war which followed, actual hostilities were precipitated by quite another cause. The leagues of Graubünden, which we have seen allying themselves with the Confederates, were just at this time suffering severely at the hands of their Austrian neighbors in the Tyrol, and, in their need, called upon the Swiss to help them. With this a desultory, devastating war began, which was sometimes sharpest upon the Northern frontier, sometimes upon the Eastern. The first encounter between the Swiss and the Swabian League, which had been formed in the South of Germany under the patronage of the Emperor,

was at Bruderholz, near Basel. Here, as in all the subsequent battles of this war, the Swiss defeated an enemy much superior to them in point of numbers, but undisciplined and not animated by a definite purpose. An unusually bloody encounter took place soon after, at Frastenz, in the Tyrol, and Maximilian himself sent an imperial army to reinforce the Austrians stationed there, but without success, for another battle was fought near the gorge of the Calven in the Münsterthal which resulted in a perfect slaughter of the Austrians.

The decisive battle of this war was fought at Dornach near Basel, where the Swabian army was surprised by the Swiss and cut to pieces.

In 1499, the Peace of Basel put an end to this war. The Confederates had proved themselves stronger than the forces of the German Empire. From now on, although they were not expressly declared independent, they practically formed a separate organization. It was not until about one hundred and fifty years later, at the Treaty of Westphalia, in 1648, that their independence received the formal acknowledgement of the powers.

In 1501, as one of the results of the Swabian war, the towns of Schaffhausen and Basel, old and trusted allies on many occasions, were definitely received into the Confederation as the eleventh and twelfth members.

CHAPTER VIII.

SWITZERLAND AND THE BALANCE OF POWER IN EUROPE.

AT this moment the rôle which the Confederation assumed in European politics became almost dramatic in intensity and brilliancy. The rude mountaineers actually held the balance of power during the period which succeeded the Swabian war and preceded the Reformation. With justice, therefore do Swiss writers describe this era of their history as the most glorious in diplomacy and war, but the most demoralizing, ethically and morally.

Their ambassadors were fêted and flattered at all the foreign courts. The chief towns of the States were haunted by emissaries, intriguing to secure fresh levies of troops. The time came when the richest prince would invariably secure the services of these mercenaries, the most desirable soldiers in Europe. "*Point d'argent, point de Suisse*," was the saying which then arose, and has ever since been made a cause of reproach to the Confederation, although an explanation of the origin of this sentence has been given, which, if correct, makes it redound to the honor, rather than to the shame, of the mercenaries. It appears that, while in the service of France, some Swiss troops were unable to obtain their pay, and they therefore declared their intention of returning home. They were urged, however, to live by brigandage, like other bands of mercenaries out of employment, until they could be re-engaged; and when they refused to do this, a French general is said to have exclaimed, "*Point d'argent, point de Suisse*," in impatience at their scruples. Even if this explanation is far-fetched and improbable, there is a good deal to be said in

excuse of the Swiss; the barrenness of their mountains, the hard struggle for existence in the face of the contending elements, and their training in the use of arms, must all be taken as extenuating circumstances. Perhaps the best answer which has ever been given to this reproach was that made by a Swiss to a Frenchman. "We fight for honor, you for money," said the Frenchman. "Yes," replied the Swiss, "we both fight for what we have not got."

In fact, fighting for pay was considered a perfectly legitimate and honorable means of gaining a living. The only trouble was that, in the confusion of promises to various sovereigns, Swiss troops were sometimes found in opposing armies, and although they are not known to have actually fought against each other, the mere fact that they could thus support antagonistic policies at the same time shook the respect in which they had heretofore been held, and brought bitter reproach upon their native land.

The authority of the central government of the Confederation, as distinguished from that of the several states, was found too weak and impotent to grapple with this evil of the mercenary system. In vain did consecutive Diets forbid young men to hire themselves out for foreign service, in vain were the disastrous consequences of this conduct explained and insisted upon — the whole country was given up to war and intrigue.

The power of the Confederation was exerted mainly upon affairs in Italy, which had become a prize of contention in European politics. At the end of the fifteenth and the beginning of the sixteenth century, Italy was in a state of political demoralization and disintegration. Although it was pre-eminently the home of art, and the centre of great commercial activity and wealth, it was nevertheless a prey to internal dissensions, and was powerless against the attacks of foreign invaders. It was mainly in Milan that the influence of the Swiss made itself felt, where a conflict arose between Charles VIII., King of

France, who laid claims to that city, and the Dukes of the family of Sforza. By throwing their influence now on one side now on the other, the Swiss could decide the issues of this long-drawn contest. At first they were allied with France, which had overrun the whole of Italy, but when the Pope concluded the so-called Holy League, with the object of driving the French out of Italy, they were induced to change sides, and found themselves arrayed against their former ally. It must be said that the unsophisticated Swiss knew nothing about the Pope's true plans, of his ambitious design of becoming a great political master, but merely supposed that his spiritual supremacy was threatened. They were, therefore, easily persuaded to send troops by the Pope's emissary, Matthäus Schinner, an ecclesiastic of the Upper Valais, later created first Swiss Cardinal for these services.

They repeatedly invaded Northern Italy on their own account, always conquering and plundering. On one occasion they penetrated to Pavia, in their midst being Ulrich Zwingli, the later Reformer, but at that time army chaplain, and a staunch partisan of the Papal pretensions. They reinstated Max Sforza in Milan and drove the French from his territories. In 1513, however, the French returned, reconquered Milan, and were apparently once more masters of the situation. When the news of this exploit reached the Confederates, a large army was collected to march to the relief of Milan. At Novara a decisive battle was fought, which forced the French again to evacuate the country; the Swiss had once more proved themselves too strong for the King of France.

This apparently interminable fight for Milan was finally decided in favor of the French by a tremendous battle near Marignano, or modern Melegnano. Francis I., ambitious and enterprising, determined to retrieve the disasters of his predecessors in that field, and to attack Milan with an overwhelming force. For this purpose he collected an army of 60,000 men, magnificently equipped, and supplied with the best artillery of the day. In the course of a few days he had taken every-

thing up to within a short distance of Milan. The Swiss, in the meantime, were undecided whether to check the advancing tide or to withdraw from a contest in which they had only an indirect interest; but Cardinal Schinner, who was filled with a bitter hatred against the French, succeeded by a trick in forcing the Swiss to fight. About 24,000 Confederates opposed the advance of the French army at Marignano, where a terrible struggle took place, which deserves to rank amongst the bloodiest encounters in history. The first day of the fight remained indecisive; both sides maintained their positions, fighting by the light of the moon until midnight, but next morning, when the battle was renewed at dusk, the superior numbers and the effective artillery of the French began to tell heavily upon the Swiss. Still they fought on, holding their own by prodigies of valor. Unfortunately, at the critical moment, when the two armies were so thoroughly exhausted that the slightest advantage given to one or the other was decisive, the French received reinforcements from Venice, and forced their brave opponents to yield the ground. In perfect order, defending themselves to the last with heroism, the Swiss executed a retreat which has never been surpassed in the history of military tactics for bravery and order.

The battle of Marignano put an end to the international rôle which the Swiss Confederation had been playing since the Swabian War, for, although still much sought after and feared for their military power, the Swiss no longer were able to decide European issues by the weight of their influence.

Amongst the many results of the Italian campaign we may cite as the most important the definite admittance of Appenzell into the Confederation as the thirteenth State.

CHAPTER IX.

THE THIRTEEN SWISS STATES AND THE THIRTEEN AMERICAN COLONIES.

IN what respects did the Confederation of Thirteen States differ from that of the Eight old States?

There are a number of striking changes to note, both in the foreign relations and in the internal constitution of this enlarged Confederation. There are evidences, not only of great territorial expansion, but also of entirely new departures in the principles and practices of government.

After the Swabian war, the Confederation had become, to all intents and purposes, independent of the German Empire, leading a life apart from the parent stem, and developing foreign policies of its own. In fact, as time went on, the Swiss found themselves drawn closer and closer into an alliance with the natural enemy of the Empire, with France, the strongly centralized and wealthy state, which supplied them with unlimited pay and pensions in return for military services. The fifteenth century also saw the accomplishment of an undertaking which the men of the fourteenth would have scouted as impossible and visionary, a perpetual peace was established, clearly drawn up and signed, between the Confederates and their hereditary enemy, the Dukes of Austria.

The incorporation of five new States, as well as the addition of a number of allies and of conquered or subject districts, gave the Confederation of Thirteen States an unbroken frontier and made of it a compact, geographical whole. Besides these thirteen States, which were the real privileged members, there were a number of allies, or *Zugewandte Orte*, bound sometimes to

one, sometimes to more of the thirteen States. Amongst these were the Abbot and Town of St. Gallen, the Prince-Bishop of Basel, the Count of Neuchatel, the towns of Bienne, Mülhausen in Elsass, Rotweil in Swabia, and the two republics of the Valais and Graubünden. We might add the little miniature republic of Gersau on the lake of Luzern, which was really never incorporated into any of the States until the beginning of this century, when it became part of the Canton of Schwiz.

The subject lands, or *Unterthanenlande*, were the Aargau and Thurgau, administered in common, the former by eight States, the latter by ten, the Rheinthal, Sargans, Gaster, and Utznach, Morat, Grandson, Orbe, and Echallens, Bellinzona, Lugano, Locarno, Mendrisio, and the Val Maggia — all these districts were governed by various combinations from amongst the Thirteen States. The confusion resulting from rivalries and jealousies in administering the affairs of these common possessions was one of the worst features in the organization of the Thirteen States, and was the cause of endless corruption in ages to come.

It will be seen from the above enumeration of names, that of the twenty-two Cantons, now forming the Swiss Confederation, at that time only thirteen were full-fledged members, four were still allies, three were in the inferior position of subject or conquered lands, and two, Vaud and Geneva, had not yet entered into direct relations with the Confederation at all.

From a constitutional standpoint, the Confederation of Thirteen States had not advanced much beyond that of the Eight. The want of a central, controlling force was as glaring as ever, and the whole still presented the appearance of a group of states, united rather by the force of circumstances than by premeditation. The Covenant of Stans undoubtedly tended toward centralization, and continued the work of founding a body of Federal Law, begun by the Priest's Charter and by the Covenant of Sempach, but in any case, the advance was very small, and in the Covenant of Stans was marred by the autocratic provisions which forbade public meetings.

The Diets, however, or *Tagsatzungen*, to which delegates were sent from the several States, began to assume certain regular features, although it was not till later that they received fixed times and places of meeting. Unfortunately, the laws and resolutions of these Diets usually remained inoperative from the very impotence of the assemblies. There was no executive authority to enforce the regulations. In the first place, the delegates had not a free hand to vote as seemed best to them; they acted entirely according to the instructions which they took with them from the home authorities. If no decision was reached, the delegates were obliged to return for new instructions. But suppose the delegates re-assembled for reconsideration, it did not suffice that a majority of them consented to the proposed piece of legislation; every bill to become a law must receive the unanimous vote of the delegates. One obdurate State could defeat the wishes of the whole Confederation. And when the law was once passed there was no executive power to enforce it; the individual States were at liberty to choose whether or not they would obey the injunctions of the Diets. As a result, certain States might vote in favor of good resolutions for form's sake and at the same time never comply with them practically. This mode of procedure was especially resorted to in all matters connected with the mercenary system and the foreign pensions. Successive Diets voted to suppress these evils, which were felt to be eating away the virtue of the country, but the individual states did not enforce the provisions made to counteract the spreading corruption.

Amongst the new departures inaugurated at this time were, first, the common bailiwicks, such as the Aargau and Thurgau, and then a singular provision inserted into the leagues concluded with Basel, Schaffhausen, and Appenzell. This stipulated that the new members should give aid against a foreign foe, but in case the Confederates quarrelled amongst themselves, they were to make every attempt to reconcile the adversaries. If these efforts did not succeed they were to

remain neutral or, in the words of the text, to "sit still" while the Confederates fought out their quarrel.

Whatever the inherent weaknesses of this loose Confederation of the Thirteen States, it must have contained elements of strength for it lasted no less than two hundred and eighty-five years as then constituted.

But what are the points of resemblance which can be traced between those Thirteen Swiss States and the Thirteen American Colonies before their growth into an independent nation?

In both countries the states were practically self-governing, owing only nominal allegiance to a distant supreme ruler. In both countries there was the same absence of a central controlling organization, although the national spirit was vigorous and assertive. The American colonies, however, were fortunate in not possessing subject lands to debauch their governments. It is true that the Western territory for awhile proved a dangerous bone of contention amongst them, but the wisdom shown by Congress in carving new states out of that territory soon removed all cause for jealousy. Indeed, the process of absorbing the Western lands into the Union has been admirable in its simplicity and success. Switzerland had no vast area of virgin soil to assimilate; its growth was strictly circumscribed to the few states it could attract within its orbit or to those it could conquer outright. The American colonies naturally expanded westward, away from the narrow strip of sea-coast, but the Swiss states had no such store-house of well-nigh unlimited resoures to draw upon. As Mr. J. F. Kirk has said of the Swiss Confederation in the middle of the fifteenth century: "It had now entered upon a course of retaliation and of foreign enterprise. Its former assailants, stripped of their possessions in Helvetia [sic] and unable to arrest the flood which their own temerity had set in motion, were treated with a retributive and scornful insolence, saw their provinces exposed to perpetual incursions, and their towns, if not in open mutiny, inviting the friendship of the

invaders, and seeking admission into the league."[1] That was the method by which the Swiss Confederation enlarged its area.

The first irregular Diets of the Confederation were not unlike the occasional Congresses convened by the Colonies — deliberative bodies without constitutional attributes, and without the necessary powers to enforce their decrees.

It is interesting, also, to notice the difference in the growth of the two groups of states from mere aggregations into firm organisms, to measure the intervals between epoch-making charters in their evolutionary progress. It took the Swiss Confederation no less than five hundred and twenty-four years to grow from a primitive league into a state with even a semblance of central authority, from the Perpetual Pact in 1291, to the Federal Pact of 1815. The short-lived constitution of the Helvetic Republic, in 1798, and the Act of Mediation, in 1803, cannot be reckoned as part of a natural development, since they were imposed upon Switzerland by a foreign power. On the other hand, it took the United States only one hundred and thirty-eight years to traverse this same period in its history, from the first ephemeral Articles of Agreement, concluded by four of the Colonies in 1643, to the adoption, of the Articles of Confederation, in 1781. The next step, from a loose-jointed state into a compact federal body, was accomplished much more rapidly in both countries. In Switzerland after thirty-three years of dissatisfaction, and in the United States after only eight years of experimenting.

Prof. Hart, in his "Introduction to the Study of Federal Government" says on this point, "It is a remarkable fact that three of the four strong existing federations have passed through a transition stage of weak federation, and out of the experiences of that period have developed a workable system. This was the case in America, as it was the case in Switzerland and Germany."[2]

[1] Kirk, J. F. History of Charles, the Bold. Vol. II., p. 282.

[2] Hart, A. B. Introduction to the Study of Federal Government, p. 56. (Harvard Monographs).

BOOK IV.

THE PERIOD OF THE REFORMATION.

CHAPTER I.

THE RISE OF THE REFORMATION IN SWITZERLAND.

SWITZERLAND has always been too insignificant in point of territory and population, and too much on sufferance in the midst of the great European powers, to play what could be termed a leading part upon the historical stage. It is true that for a few years, at the end of the fifteenth century, she held the balance of power, and was able to decide the issues of European conflicts with the help of her unequalled mercenary troops; but after all this temporary advantage was not due so much to her own strength as to the demoralization of her neighbors, and in the end proved neither creditable to her honor nor profitable to her development. It is also true that, at the present time, Switzerland has entered upon a life of great usefulness and honor, influencing the world for good both by the example of a pure and progressive democracy, and by the international unions of which she is the centre. But if one were asked by what movement within her own borders Switzerland has made the most profound and lasting impression upon human development, and fully vindicated her right to rank with nations which have shaped the destinies of man, the answer would undoubtedly be: by the Reformation, as the work of Ulrich Zwingli at Zürich, and of John Calvin at Geneva.

The scope of this work does not admit of any examination into the purely religious aspect of that great movement which swept through Christendom at the beginning of the sixteenth century. The writer will not attempt to make any inquiry into the respective merits of the theological systems involved

in this controversy, enlarging neither upon the corruption which had invaded the Church, the immorality in the monasteries and nunneries, the traffic in absolutions and livings, the loss of spirituality and the decay of learning amongst the clergy; nor, on the other hand, upon the fanaticism of the Protestants, their ruthless destruction of the good along with evil, their unnatural condemnation of innocent pleasures and their unnecessary cruelty in the hour of triumph.

I shall confine myself to the political problems, created by the Reformation in the Swiss Confederation, and to the traces which it left upon the life of that country.

For it must be remembered that the Reformation was not only a religious movement, it was a new departure in every branch of human activity. Before its advent the world had grown stale, and man's wisdom had become unprofitable. Not only the dogmas of the theologians, but the very works of the artists, the experiments of the scientists and the dissertations of the schoolmen had become puerile and perverted, their inspirations and aspirations distorted and misdirected, and their fallacies perpetuated themselves in a vicious sequence under the dominion of fixed, unalterable rules. Upon such a state of society there burst, at the end of the fifteenth century, a new force, whose sign was liberty — liberty of thought, of action and of spirit. It pervaded every work of man, and inaugurated an era of innovation in every department of life; it sent men to study the secrets of science, and invented the printing press; it drove others across the seas in search of new continents, and discovered America; it set scholars at work upon the ancient classics distributed over Europe by the fall of Constantinople, and gave birth to the revival in art and learning known as the Renaissance. Politics, economics, and social life felt this rejuvenating breath, which opened fresh fields for research and new ideals on every hand. When we consider how thoroughly the Church entered into the life of the men of that day, by means of her various ministrations, by her influence over the secular authorities, and her fabulous wealth,

it is not surprising that she should have felt the change as keenly as she did and borne such lasting traces of the subsequent struggle.

Before the advent of the Reformation, the Swiss people were exceedingly well-disposed toward the head of the Church. They were conspicuous amongst the nations for their attachment to his person, and for their zeal in all ecclesiastical matters. Nor was this enthusiasm confined to the Forest States, which might be said to have been too far removed from the world to perceive the real corruption of the Church, but even Zürich and Bern, the very centres of the subsequent agitation, prided themselves upon their well-known devotion to Rome. Indeed, had there been less religious zeal and more indifference in Switzerland, the Reformation would not have left those deplorable scars upon the national life which are still noticeable to-day.

Why was it that at least one-half of those to whom the Pope had awarded the title of "Defenders of the Liberty of the Church," should think themselves constrained to change from partisans into adversaries of the Papal cause?

In Switzerland, more than elsewhere, the Reformation was affected by all manner of secular considerations, by political questions and administrative jealousies, for, in spite of their deeply religious temperament, the Swiss were very jealous of any ecclesiastical interference in their political affairs. The secular authorities in the various States were always seeking to acquire control over the clergy in their midst, and to confine them to purely ecclesiastical matters. This tendency is seen in a number of ordinances passed by different States, and in the famous *Pfaffenbrief* which concerned the Federation at large. To this day the parishes of Canton Uri, for example, distinctly Ultramontane though they be, retain the right of electing their own priests, in accordance with a decree of Pope Julius II. No doubt, therefore, the readiness of certain portions of the Swiss people to take up the ideas of the Reformation, must be ascribed in part to this

desire of the secular authorities to exercise supervision over ecclesiastical affairs in their districts.

But there were also moral considerations. During the Italian campaigns the governments of the Confederated States had been in constant communication with Papal emissaries. In the course of these negotiations they had become acquainted with the worldly ambitions, the broken pledges, and the intrigues of the Holy Father; they were shocked to find his conduct so inconsistent with his sacred functions. They had supposed him engaged at most in a righteous struggle for his spiritual supremacy, and now they found that he was pursuing political plans, without regard to the rights and liberties of the nations involved. But more than this, the Swiss mercenary troops had penetrated far into the Papal States, and had not been edified by what they saw and heard. They brought back strange stories of the doings at Rome, of the corruption in high places, and the general profligacy so much at variance with the sanctity of the place. Returning to their homes, they carried with them the vices and diseases they had contracted in the Papal service; they became idle vagabonds, unwilling to work, and unfit to fulfil the duties of citizenship. No wonder that a cry of indignation arose from the Confederation; that honest men tried to put down the mercenary system, and began to look upon the Papal emissaries, who besieged the authorities for fresh levies of men, as the enemies of their country.

The time came when all true patriots were constrained to combat the influence of the Pope as fatal to the welfare of their native land.

Thus was the traditional veneration of the Swiss undermined, and their old-time allegiance loosened. When the public conscience had been aroused by these evils, and public opinion had turned against Papal interference, then came the man who should inaugurate the movement of religious emancipation. But observe how the career of Ulrich Zwingli illustrates the peculiar political character of the Reformation in Switzerland,

to which reference has been made above. Zwingli began his work as a political reformer; his first efforts were directed against political abuses, and some of his noblest words were spoken in the cause of a distinct national life, free from foreign interference. It was not until he found all his exertions in this field baffled by ecclesiastical intrigues, until he discovered that the peculiar conditions, which then obtained in Christendom, made it impossible to purify politics without first reforming the Church, that he began to attack certain doctrines of religion and to set up a theological system of his own.

Zwingli was a Reformer in the widest sense of the word. He conceived his mission to be nothing less than the complete political, religious, and moral regeneration of Switzerland; so that whatever may be the reader's particular estimate of the religious teachings which he introduced, no one can deny him an honorable position amongst the great-hearted and fearless seekers after the truth.

Ulrich Zwingli was born in 1484, at the village of Wildhaus, in the ancient County of Toggenburg, now forming part of the Canton of St. Gallen. A rude, wooden châlet, blackened with age, is still shown as the house where he first saw light. His family were counted amongst the best in those parts, his father being chief magistrate of the parish. He received an education which was remarkable for its comprehensiveness. At an early age, young Zwingli was sent to school in Basel and Bern, from whence, showing especial aptitude for the study of the ancient classics, he was allowed to perfect himself at the University of Vienna. During his two-years' stay at this seat of learning, he distinguished himself in the studies embraced by the designation of the humanities, and by his talent for eloquent debate. Returning to Switzerland, he accepted a position as a Latin teacher, in the school of St. Martin, at Basel, making the acquaintance of the famous Glareanus, at the University in that city, and of a certain Thomas Wyttenbach, of Bienne, who seems to have been the first to direct his attention to theological studies. In 1506, in his twenty-second

year, Zwingli was chosen parish priest of Glarus, and at the outset of his ecclesiastical career, had a foretaste of the corruption which obtained in the church; for he found himself obliged to pay one hundred florins to the holder of the living, before he could take possession. During the ten years of his sojourn at Glarus, Zwingli turned to his studies with renewed zest. In his search after the truth, he not only drank deeply of the wisdom of the ancients, making himself familiar with the Greek and Latin authors, with the Bible, and with the Fathers of the Church; but he also kept up a correspondence with such contemporary scholars as Glareanus, Mykonius, Vadianus, and later with the great Erasmus himself. He was laying the foundation of his education deep and broad.

But to the erudition of the closeted student he joined qualities which savants generally lack. Zwingli was a true man of the people, both in manner and speech, a believer in popular sovereignty, an out-and-out democrat. A great part of the success which attended his sermons was due to his genial mother-wit, born of his intimate participation in the life of the humble people.

Nor was his activity confined to his parish. In the capacity of army chaplain, he twice accompanied contingents of troops from Glarus, across the Alps into Italy. In fact, his graphic account of the expedition to Pavia which he sent to his friend Vadianus, is our principal authority for that event. And to show how unshaken his allegiance to the Church still was at this time, it will suffice to recall his expression when he calls Rome "the common mother of all Christian Believers." A few days before the disastrous battle of Marignano he delivered a speech to the soldiery, warning them against the consequences of the disorders which had broken out amongst them. So prominent was the part he played in these Italian campaigns, and so conspicuous his zeal in behalf of the Papal cause, that the attention of the Pope was finally directed to him, probably by Matthäus Schinner, the Swiss Cardinal. The Papal Legate was sent to assure Zwingli of his master's

special favor, and to reward him by an appointment to the grade of Papal Court Chaplain, with a yearly allowance, which was extremely welcome to the poor parish priest. In this gift we must not see any attempt on the part of the Pope to bribe Zwingli into silence, for the latter had not yet begun to attack the tenets of the Church. But in the light of his subsequent career, one cannot help remarking the irony of the transaction, especially when we take into consideration that Zwingli used the money thus obtained for the purchase of books which were to help him eventually to throw off his allegiance to the Pope.

For the present, Zwingli's attention was directed toward the political abuses which followed in the wake of the mercenary system. Even a little place like Glarus was at that time the rendezvous of intriguing ambassadors from the great powers, who vied with each other in bribing the authorities to lend them troops. Zwingli's outspoken condemnation of these evils soon brought him into conflict with the ruling faction in Glarus, and, although he had gathered about himself a band of devoted parishioners, he determined to accept an invitation which came to him from Einsiedeln, to act as parish priest of that pilgrimage town. It seems almost like malicious fate that the very place which was then, as it is now, the most celebrated place of pilgrimage in Switzerland, should have called the man who was later foremost in denouncing everything which had to do with the veneration of saints.

It is never an easy matter to determine, with anything like precision, the turning-point in a man's life, but it would seem that this period of cloistered retirement determined the particular bent which Zwingli's subsequent life should take. In his hours of study in the monastery library he seems to have turned his thoughts more and more upon religious matters, he began to take the Bible as a text-book, and, applying to it the same methods of research which he had learned in connection with his studies of the Greek and Latin classics, he saw, for the first time, how far the Church of his day had departed from the simple word of the text. His sermons began to attract

attention, and his reputation to spread abroad as a scholar and Churchman of the newer school; but, as yet, no word of his betrayed any hostility toward the Church, of which he remained a devoted follower. After two years at Einsiedeln, he was elected Rector of the Minster (Grossmünster), at Zürich, where his career as a religious Reformer really began.

CHAPTER II.

ZWINGLI IN ZÜRICH.

ON New Year's Day, 1519, Zwingli delivered his first sermon in the Grossmünster at Zürich, taking the simple text of St. Matthew's Gospel in his hand, and expounding it verse by verse, chapter by chapter, before a deeply moved congregation. He did not, as yet, denounce the practices of the Church which were inconsistent with this rendering, but left his hearers to form their own opinion in regard to these matters. As usual he did not confine himself to religious questions in his exhortations. He laid bare before the astonished multitudes, which flocked to hear his impassioned oratory, the political degradation into which they had sunk through their own discord and through foreign interference.

Just at this time, his words acquired a special significance, on account of the fact that Switzerland had once more been suddenly drawn into the stream of international politics by the struggle between Francis I., of France, and Charles I., of Spain, for the vacant throne of the German Empire. Both princes set a great value upon the support of the Swiss mercenaries, and the usual flatteries and briberies were set in motion, with the usual demoralizing results. Zwingli set his face sternly against this procedure, and it was probably his influence which kept Zürich from joining the twelve other States in an alliance with Francis I. But later, as though to complicate matters, the Pope, becoming embroiled in this quarrel for the German throne, applied to Zürich for troops. Cardinal Schinner, of course, was in favor of granting this request, but Zwingli was for putting an end to all foreign

enterprises, whatever their object might be. In the end his protestations were overruled. Zürich sent troops into Italy, which, after advancing successfully as far as Piacenza, were recalled upon the death of the Pope. The twelve other States of the Confederation reproached Zürich for her isolated conduct, and taunted her with being too papistical, a reproach which seems singular enough in the light of subsequent events. A terrible defeat at Bicocca of the troops of the twelve States, in league with the French and fighting against the German imperial troops, put an end to this last and disastrous participation of Switzerland in European politics.

While the defeat of Bicocca was still in everybody's minds, and the sorrow and shame which it had occasioned still lay like a pall upon the public mind of Switzerland, Zwingli broke the humiliating silence by an impassioned appeal, addressed to the *Landsgemeinde* of Schwiz, just then in session. After all these years, his eloquent words still ring with the clear note of patriotic exaltation and are stamped with the indelible mark of greatness.

"Our forefathers," he wrote, "did not slay fellow Christians for pay, but fought for liberty only, that their bodies and lives, their wives and children, might not be in miserable subjection to a wanton nobility. . . . Therefore God gave them ever the victory and increased their honors and possessions. . . . In our own wars we have always been victorious, in foreign ones often defeated." With great vigor and richness of illustration, Zwingli then proceeded to describe the evil results of the mercenary system; he insisted upon the danger of God's wrath, the necessary suppression of justice in times of war, and the demoralization occasioned by the bribery of foreigners; he warned them against the introduction of new vices, the sowing of discord and hatred amongst the Confederates, and finally predicted that, unless a change was made, the Swiss would end by falling completely into the power of foreigners. "Therefore," he cried in a closing appeal, with an exaggeration of epithet which betrayed the strength of his

feelings, "I exhort you, pious, wise, true, beloved, and honorable men of Schwiz, by the agony and salvation of Jesus Christ, our Lord, by the honor which Almighty God has shown our pious forefathers, by the sweat and evil times they endured for the sake of our freedom — beware of the pay of foreign masters which would destroy us, and do this now, while there is yet time, and do not follow those who say it cannot be done!"[1]

These ringing words had only a momentary effect upon the *Landsgemeinde* of Schwiz. After passing resolutions against the mercenary system, this body found it impossible to enforce them, and things returned into the old ruts.

Rebuffed and beaten at every point, discouraged, and doubtless somewhat embittered by his repeated failures as a political Reformer, Zwingli became more radical in his religious teachings. He rejected the Papal pension, which had been awarded to him for his services in the Italian campaign, and prepared to denounce openly those practices which he conceived to be at variance with Holy Writ. The opportunity for the first attack came in 1522. Certain citizens of Zürich, having reached the conclusion, from Zwingli's sermons, that they were no longer under obligations to keep the Lenten fasts, had been punished by the city authorities for this misdemeanor, according to the unfortunate custom of secular interference in religious matters which characterized the age. Thereupon, Zwingli took up their defence in public, in spite of the expostulations which came from his ecclesiastical superior, the Bishop of Constance, from the Canons of the Minster, and the City Council. Communications passed between the City Council and the Bishop, the former being desirous of a full explanation as to the conduct to be observed in Church ceremonies. The Bishop replied that, although certain customs which were contrary to Holy Writ might have crept into common practice, they should still be observed, because a common error must make them right. Zwingli, on his side, now boldly

[1] Oechsli, W. Quellenbuch. p. 301.

claimed the privilege of preaching the Gospel, and advocated the marriage of priests. Finally, in order to test these and other questions, which now arose on every hand, the City Council of Zürich, in 1523, summoned the clergy of the state to a public disputation.

On this occasion, Zwingli presented sixty-seven articles, which he had drawn up for discussion, as representing the sum of his teachings. Bible in hand, he developed with great skill the arguments in favor of these articles, astounding his hearers by the familiarity which he displayed with the text of the Bible, a work at that time almost forgotten and unused. The Bishop of Constance had sent his Vicar General to supervise the discussion, and to act as arbitrator in the proceedings. At first, he contented himself with denying the competence of this assembly to determine questions of doctrine which ought to come before a Council of all Christendom; but later, having allowed himself to be enticed into arguing upon the articles of themselves, he fell an easy prey to Zwingli's superior knowledge of the Bible. Deeply moved by the brilliant manner in which the Reformer had refuted the arguments directed against his new teachings, the City Council decreed that the clergy of the state should avoid everything which could not be proved and demonstrated by the text of the Bible.

The first official step in the Swiss Reformation had now been taken; henceforth the successive stages of the movement followed each other in uninterrupted sequence. In the same year another convocation decreed the abolition of images. Six months later, these were carefully removed from the churches and public places. Then came the suppression of the monasteries within the whole territory subject to Zürich, provision being made for the inmates, and the buildings reverting to the State, to be used henceforth as schools, poor-houses and hospitals.

Zwingli was not a man of half measures; he meditated nothing short of a complete overthrow of the existing ecclesiastical forms and the substitution of a new system based upon the

simple word of God. Having reached the conclusion that the celebration of the Mass, as then practiced, was contrary to that authority, he did not rest until it was swept away, and the so-called reformed communion introduced.

Great severity was exercised against the Catholics who persisted in clinging to their own service. At first, they were allowed to go outside of Zürich territory to perform their devotions, but finally, even this scant privilege was withdrawn from them.

History repeats itself. The reaction is equal to the original impulse. The greater the injustices under which one generation labors, the greater the excesses of the triumphant populace in the next. It seems to be the common fate of all reformers to overbalance themselves as soon as they have reached the climax of their activity. Like Savanarola, like many another religious enthusiast, Zwingli had started with a noble aspiration after freedom, and a holy abhorrence of the existing order. He ended by erecting a theocratic system, no whit less tryannical than the hierarchy he had overturned. The world, in the sixteenth century, was not ripe for freedom of thought, toward which we are rapidly making in the nineteenth. One doctrine was supposed to have the upper hand in those days, and all the others were obliged to remain in abeyance. Zwingli conceived himself to be inspired like the prophets of the Old Testament, to preach a new saying to a corrupt generation. He imagined himself the spiritual head and adviser of a theocratic state, in which religion and politics should both conform to the precepts of the Bible, and thus become identical.

CHAPTER III.

THE GROWTH OF THE REFORMATION.

FROM Zürich the new teachings spread to the other states of the Swiss Confederation, to meet there with varying fortunes. In some, they were welcomed by a population, eager for religious innovations; in others, they gave rise to long-protracted, confessional struggles; and in others again, they encountered so determined an opposition that they were unable to gain even momentary footing. In St. Gallen, the influence of Zwingli's friend, Joachim von Watt, better known under his Latinized name of Vadianus, was paramount. This eminent scholar, having been appointed Bürgermeister, carried his state completely over to the cause of the Reformation. In the Thurgau, in Glarus, and Graubünden, the efforts of the new teachers were more and more successful. In Basel, the two parties were pretty evenly divided. The strife was especially bitter in proportion to the importance of that city as the seat of a university and the home of a printing-press. The great Dutch theologian, Erasmus, who had made Basel his place of residence, although advocating greater freedom from tradition, recoiled from the practical reforms which the new teachings enjoined; his fastidious taste as a student was shocked at the essentially popular turn which the movement began to take, and his influence was finally cast against the progress of the Reformation.

In Bern, the new teachings had many obstacles to surmount, but in the end were triumphant through the ceaseless activity of enthusiastic partisans. The real leader was Berchtold Haller, but his efforts were strongly seconded by a certain Nicho-

las Manuel, who satirized the abuses of the Church and the vices of the clergy in stinging verses.

The authorities of Fribourg and Solothurn promptly stamped out the first manifestations of the Reformation within their districts, while, in the Forest States, the new doctrines were viewed with abhorrence. In truth, the simple mountaineers, far removed from the demoralizing influences of the world, were at a loss to understand the necessity for a change, or to appreciate the significance of the movement. It seemed to them to be a wanton attack, not only upon their religious faith, but also upon the memory of their ancestors. The whole course of their glorious history, every act of their forefathers, was inextricably interwoven with the doctrines of their religion. Every patriotic feast was crowned with a religious observance, on every battle-field stood a chapel to which they made solemn pilgrimages at stated times. They could not conceive of a change in their religious habits which did not desecrate the past and imperil the future. They were unfortunately also influenced by purely worldly considerations, questions of financial and political interests. The Forest States were, to a great extent, dependent upon the mercenary system as an opening for their young men; they counted as much upon the annual shower of pensions from abroad as upon the harvests from their fields, and when they found the movement of the Reformation opposing this system, self-interest dictated hostility.

Indeed, both parties were eager for the strife. First Bern and Zürich joined hands in a separate alliance, and then the five Catholic states of Uri, Schwiz, Unterwalden, Luzern, and Zug united in a separate league, and entered into a compact with Austria.

Zwingli desired war, mainly for two reasons. He saw that the Catholics were unprepared, and thought the present a favorable opportunity to win over the whole of Switzerland by a bold stroke; secondly, he imagined, erroneously, as the future proved, that the populations of the five states were secretly in

sympathy with his views, and were only kept in submission by the severity of the local authorities.

The antagonism created by religious differences had free play in the common subject lands of the Aargau and Thurgau. Which of the two parties should control these districts, and thus obtain the balance of power? That was the question which finally precipitated an armed conflict. Mutual outrages and indignities first made all attempts to arrive at a reasonable understanding fruitless, and then Zürich launched forth a declaration of war. Accompanied by Zwingli, the troops of this city disposed themselves in such a manner as to overpower the enemy at their first move. The Zürich army was imbued with the Reformer's principles; neither oaths were heard nor games of chance played in the camp. The same rigid discipline prevailed as amongst the Puritan followers of Cromwell.

When both armies were already standing facing each other, an encounter was averted, at the last moment, by the intervention of Aebli, the Landammann of Glarus, and an armistice was established. Zwingli did not disguise his disappointment, for he insisted that an opportunity had been lost which would never return; the Catholic States would perfect their armaments and would return to the charge.

A peace was declared at Kappel, which guaranteed religious liberty, according to the conception of that term in the 16th century; i. e., the various States could determine for themselves what religious form should obtain within their jurisdiction, and in the common subject lands every parish could choose for itself. There was no question of individual liberty, for every man became Catholic or Protestant, according to the dictation of the majority in the State or parish which he inhabited, unless he chose to sacrifice house and home, and emigrate to some district where his particular faith was practised.

After the conclusion of this peace, Zwingli sought to extend the scope of his operations outside the narrow limit of Switzerland, to enter the arena of international politics. He conceived the idea of bringing Swabia and Elsass, even Italy, within the

sphere of his influence, and of then effecting a connection with the German Protestants, under Luther. He went so far as to propose an alliance with Francis I. of France, in contradiction to all the political principles which he had preached for so many years to his fellow-countrymen, when he had urged them to shake off foreign alliances, and to put an end to foreign enterprises. It must be said, however, that not one of these ambitious schemes succeeded. Every effort to force the movement, of which he was the leader, into foreign fields, failed signally, and even his interview with Luther, from which he expected so much, instead of resulting in a cordial plan for co-operation, only produced an open feud between the two Reformers. In truth, there were radical differences between the teachings of the two men, especially as regards the doctrine of the communion. In this, and in other respects, Luther was more conservative than Zwingli, who sought to revolutionize the whole existence of man, sweeping out of his daily life everything which was not founded upon the Bible. At first, there had been only an exchange of views by letter, but, in 1529, the Landgrave Philip, of Hessen, invited the two leaders to a conference in his castle, at Marburg. At the outset of this memorable meeting, Luther demanded the complete submission of the Swiss Protestants to his own movement. This attitude was not likely to facilitate an understanding with a man of Zwingli's independent temperament, but when the two Reformers broached the cardinal point, the doctrine of the Communion, and were unable to agree upon a common interpretation, the interview degenerated into a vulgar quarrel; the learned doctors lost their tempers, Luther calling Zwingli a heretic, and Zwingli taunting Luther with inability to answer his arguments. A few meaningless articles were drawn up, probably to hide the complete failure of the negotiations, but the two men parted in anger. "You have another spirit from us," said Luther, and when Zwingli offered him his hand in parting, he refused to take it.[1]

[1] Oechsli, W. Quellenbuch, p. 330.

Discouraged by this failure, Zwingli went home, to pursue his daily avocations at the minster in Zürich.

But, in the meantime, the strife between the Catholic and Protestant States of the Swiss Confederation had not been settled by the Peace of Kappel, for both sides soon discovered different interpretations of contested articles. The spirit of confessional hatred was not slow in finding occasion to pit the two parties against each other. The signal for the outbreak was a trifling event, which had, in reality, nothing to do with religious matters at all. A certain Italian adventurer, calling himself Giovanni Giacomo Medici, was making incursions into Graubünden, from his stronghold at Musso, on the lake of Como, where a few remains still attest the former presence of a castle. The harassed men of Graubunden applied to the Confederates for help, but the Catholic States, for some reason, did not respond to this appeal, and Zürich alone was left to send the desired help. From this circumstance, the suspicion got abroad in Zürich, that the conduct of the Italian soldier was the result of a preconcerted plan with the Catholic States, and was to form the prelude to a general systematic attack upon the Protestant States. This suspicion was perfectly unfounded, but was sufficient, in the heated condition of the public mind, to lead to disastrous results. Zurich instituted a blockade of provisions against the Forest Cantons, much to Zwingli's displeasure, be it said, and in other ways drove the Five States to exasperation.

There enter into the lives of many great men moments of excessive melancholy, of unaccountable depression, when they give voice to dire forebodings and prophecies, and bewail the apparent failure of their life's work. It would seem that Zwingli was now assailed by dark thoughts of this kind. From the pulpit, he uttered words of warning to the men of Zürich for their lenient conduct toward the Five Catholic States; he predicted that the Protestant cause would sustain a terrible defeat, unless they pursued a different policy; in an access of despair he foretold his own death and that of many

of his friends; and finally offered to resign his position, and retire from public life.

In point of fact, he need not have estimated his work so low, for the results he had obtained were in every way marvellous. In a few years he had transformed Zürich from a gay, rollicking city, dependent upon foreign pensions and the good will of the Pope, into a sober, industrious place, free from the bribes of mercenary captains. And this he had accomplished by appealing to the hearts of the people, rather than to the fanaticism which so largely prevailed in his time. His character had none of the austere, prim, and long-faced piety which distinguished some of the other Reformers and their followers. To the last, he remained a genial favorite of the people. In the early part of his career, he had married a widow, Anna Reinhard, who bore him four children, and this fact, coupled with many homely accomplishments, not to speak of some very pronounced but very human failings, served to increase his popularity with all his fellow citizens.

The cruel and unjust blockade of provisions, instituted by Zürich against the Five Catholic States, was the prelude to another armed conflict. This time again, it was in the region of Kappel that the two armies met, but the issue of the combat was reversed, for, after several hours' fighting, a Captain of Uri succeeded in executing a flank movement upon the Zürich army, which decided the battle in favor of the Five States. Zwingli had, as usual, accompanied the troops, in his capacity of Chaplain, in spite of the remonstrances of the city authorities, who not only feared for his life, but also dreaded the exasperating effect which his presence upon the battle-field would exert upon the enemy. In the last mêlée he was struck down, while tending the wounded. When the strife was over, he was found by some stragglers, who, seeing that he was still breathing, but not recognizing him, asked if he desired to confess to a priest. He shook his head, and then a soldier pierced him with his sword. Another account says, that when his body was recognized, it was torn to pieces by a

furious multitude, and the remains delivered to the flames, as that of an arch-heretic and traitor.

Considering the decisiveness of this victory, the Catholic States gave proof of great moderation in drawing up the conditions of peace which closed the hostilities. The new state of affairs did not differ from that which had preceded the battle, except in a few particulars which flowed naturally from the defeat of the Protestants.

The consternation and panic, which had broken out in Zürich upon the announcement of Zwingli's death, were soon allayed by the appointment as his successor of a man singularly well suited to fill this difficult post. Heinrich Bullinger was a man of tact, of firm moderation, not easily led into hazardous enterprises, and not at all given to political plans.

CHAPTER IV.

CALVIN IN GENEVA.

AS I have already said in the chapter on the Valais, none of the Cantons which are now included in French-speaking Switzerland, took any part whatever in founding the Swiss Confederation. They did not contract alliances with the German-speaking States, until the latter had already established their independence and become a power in Europe. Even Fribourg, though the first of the French-speaking States to be admitted within the federal circle, did not become a full-fledged member until after the Burgundian war had given the Confederation a world-wide reputation; while Vaud, the Valais, Neuchatel, and Geneva were not placed upon an equal footing with the other States until the beginning of this century.

Properly speaking, the religious transformation, of which Geneva was the scene during the sixteenth century, cannot be called a Swiss movement; it was more truly an expression of French Protestantism, since Calvin himself and his chief collaborators were Frenchmen. At best, it was an independent agitation, if we take into consideration that Geneva was a free Republic at the time. It is only because this Republic has since become part and parcel of the Swiss Confederation, and because the triumph of Protestantism in Geneva was virtually assured by the intervention of Bern, a Swiss State, that we are constrained to devote a chapter to the fortunes of the Reformation in that city.

Geneva, the charming place, which ranks first in point of wealth and culture amongst the cities of Switzerland, lies at the Southern extremity of Lake Leman, in a position similar

to Zürich and Luzern with reference to their lakes. Julius Cæsar speaks of it, in his day, as a frontier-town of the Celtic tribe of the Allobroges, and describes how he used it as a strategic point of great value in his conflict with the Helvetii. Like many another stronghold, it passed through the vicissitudes of the Roman occupation, the invasion of the barbarians, and the Frankish supremacy with varying fortunes, to emerge, in the early middle ages, as the seat of a bishopric. There was first the ruling Bishops, secondly the Counts of Geneva, later superseded by the Counts of Savoy, and thirdly a community of citizens, all disputing with each other for the control of affairs. In fact, the struggle for supremacy between these three elements and the eventual victory of the citizens, constitutes the history of Geneva, prior to the advent of the Reformation. From all accounts, the medieval city must have resembled modern Geneva in more than one particular. It was then, as now, a commercial centre, admirably situated on the confines of Italy, France, and Germany, with a cosmopolitan population of varied and interesting qualities. The Genevese type has always, from this circumstance, been marked by great breadth of character, being, in fact, a happy combination of French vivacity with German solidity and Italian artistic taste.

An alliance with Fribourg, based upon common commercial interests, seems to have been Geneva's first connection with the Swiss Confederation, but, by degrees, this bond was strengthened, for the party of the people, as distinguished from that of the Bishop and the Count, began to look upon a closer alliance with their democratic neighbors as the surest road toward independence. A group of citizens, nicknamed "The Children of Geneva," was formed, under the leadership of their patriots: Philibert Berthelier, Bezanson Hugues, and François Bonivard. It was their purpose to emancipate the city from the rule of the Bishop and the house of Savoy, and to cultivate friendly relations with the Confederates. These three leaders, although so intimately united in their patriotic

task, were as different as possible in temperament and attainments. Berthelier seems to have been a jovial, popular favorite, of somewhat questionable habits, perhaps, but devoted heart and soul to the popular cause; Hugues, on the other hand, was a sober man of business, moderate but firm in his demands; while Bonivard, whose captivity in the dungeon of Chillon has been unintentionally immortalized by the verse of Byron, belonged to quite another class in society. He was Prior of the monastery of St. Victor, intellectual by education, passionate and ambitious by temperament. On the whole, his motive in joining the people's party was not so pure as that of his two colleagues, for we know that he was filled with a bitter personal grudge against the House of Savoy, for having deprived him of certain possessions.

The Republican faction in Geneva succeeded in inducing the city to conclude a temporary alliance with Fribourg and Bern, in 1519, and another, for twenty-five years, in 1526; but not without the continual opposition of the House of Savoy, from whose midst the Bishop, as well as the Counts, were drawn. From the circumstance of their close union with the Swiss Confederates, the popular party began to be known as *Eidguenots*, which is the French vulgarized form of the German *Eidgenossen*, or Confederates. Some scholars have even supposed that the name Huguenots, to denote French Protestants at large, was derived from this party designation in Geneva. Be that as it may, the cause of independence and that of Protestantism, which, after the advent of the Reformation was allied with it, would never have triumphed in that city had not the Swiss State of Bern offered armed intervention.

At first, the House of Savoy had seemed likely to crush all the aspirations of the "Children of Geneva." Bertheiler was arrested, and, scorning to retract what he had said or to acknowledge the sovereignty of Savoy, was decapitated; Bonivard,[1] while travelling through the forest of Jorat, on his way

[1] McCrackan, W. D. François Bonivard, Prisoner of Chillon—New England Magazine, July, 1892.

from Moudon to Lausanne, was caught and imprisoned in the castle of Chillon; and, in 1532, Hugues, the last of the three patriots, died, without having seen the full realizations of his hopes. But these men had prepared the ground; the religious agitation which came with the Reformation accomplished the rest.

In the same year in which Hugues died, there came to Geneva upon his missionary rounds, a man named William Farel, who had previously traversed other parts of French Switzerland, preaching under the protection of the Bernese authorities. This man, one of the strangest personages which the Reformation produced, was born in the south of France, but had been obliged to flee from his country, on account of his outspoken advocacy of Protestant doctrines. After long wanderings, he placed his services at the disposal of Bern. That city, having just accepted the new doctrines, was anxious to do some proselyting in French Switzerland, in order, at the same time, to extend her political influences. No insults or personal outrages, no imprisonments or bodily chastisements were able to moderate the fanatical zeal of Farel, or to dampen the fire of his Southern nature. By sheer persistence he won over the greater part of French Switzerland, and then transferred the scene of his operations to Geneva, the Episcopal city. He was almost immediately expelled, in the midst of a popular tumult, but, undaunted by this hostile reception, and, in fact, rather stimulated by the dangers which he was obliged to face, and which were his very breath of life, he returned soon after, with several followers, under the special protection of Bern. This time he was more successful. In 1535, he induced the people to rise in revolt against the rule of the Bishop and the House of Savoy, to storm the churches, and introduce Protestantism.

But, having accomplished this, the people still found themselves confronted by the danger of regular, systematic efforts on the part of Savoy to reconquer the city. This was the state of affairs when, in 1536, a Bernese army of 10,000 men,

under the command of Hans Franz Nägeli came to their rescue, established the independence of Geneva upon a firm basis, and concluded a new alliance. On its way, this army had traversed the whole country of Vaud without encountering any opposition worthy of the name, and its entry into Geneva was a veritable triumph. Returning, the Bernese troops liberated the unfortunate Bonivard from the dungeon of Chillon, where he had suffered six long years of captivity, so that he could return to his city in the midst of popular rejoicings, and live the remaining thirty-four years of his life in public service. The ancient bishopric of Lausanne was also dissolved, and the whole of Vaud became Bernese territory, a subject land of the state of Bern.

The transformation of Geneva was now practically over. By the Bernese invasion, Catholicism with Episcopal rule had been definitely abolished. A new city, Protestant in point of religion, and politically free, had taken the place of the old. Still there remained a great deal to be done in bringing order into the council of the city, in adapting her needs to new surroundings, and, above all, in specifying and defining the articles of her religious creed. After a period of general radical changes, the city was sorely in need of a constructive era.

It was just at this time, that the great organizer of French Protestantism, John Calvin, arrived one summer's evening in Geneva, on his way to Germany, expecting to proceed unnoticed on his journey after a short halt for rest. But the ever-watchful Farel heard of his presence, and forthwith repaired to the house where Calvin lodged, to persuade him to stay in Geneva, and help him in the work of organization. With characteristic vehemence, he went so far as to threaten Calvin with God's curse if he did not give up his intention of going to Germany, and settle in Geneva.

Calvin obeyed what he conceived to be a divine call, but with the utmost reluctance, for he was, by nature, a retiring scholar rather than a man of affairs. He had hoped, after many wanderings, to find a place of refuge in Protestant Ger-

many, where, sheltered from strife, he might meditate, and occasionally launch a telling work upon the world. From early youth he had been distinguished by great sensitiveness, probably exaggerated by the consciousness of bodily weakness. His father had destined him for the church; and when he was only twelve years of age, had already procured for him a living, the income of which was used for his schooling in Paris. But as he grew up, there seems to have been a change of plan, for we hear of his studying law at the universities of Orleans and Bourges. Returning to Paris, he displayed a leaning toward the new Lutheran doctrines. When he was twenty-three, a lecture of his, read at the Sarbonne by one of his friends, created such a sensation that he was obliged to flee from the city to the South of France.

In the course of the next few years, he visited Strassburg and Basel, in the latter place publishing (1536) his great work, the "*Institutio Religionis Christianæ*," an exposition of his personal faith, and by far the most important dogmatic work of sixteenth century Protestantism. After a short visit to Ferrara, in Italy, he returned to France, and was on his way to settle in Germany when, as we have seen, he was detained in Geneva by the impetuous Farel.

Calvin began to work quietly, under Farel's guidance, until his superior talents made him the chosen leader of the Genevese Protestants. He drew up a catechism, organized the congregations, and persuaded the secular authorities to introduce sumptuary laws of great severity. Jovial, pleasure-loving Geneva was to be reformed into a quiet, church-going community. But opposition soon manifested itself amongst the people. A crisis came, in 1538, when Calvin and Farel refused to celebrate the communion, on the plea that it would be profaned by the dissensions which were raging in the city. For this act of insubordination the two Reformers were condemned by the municipal council to leave the city within three days; Calvin going to Strassburg and Farel to Neuchatel.

One might have supposed that this episode would have put

a stop to Calvin's and Farel's connection with Geneva, but three years had not elapsed before their partisans in the city had once more gained the upper hand, and had extended an invitation to them to return to Geneva, and resume the work which had been so brusquely interrupted. It was with great reluctance that Calvin allowed himself to be persuaded. "When I think," he writes to Farel, "how wretched I have been there, I cannot help shuddering in my whole soul, whenever there is a question of my being recalled."[1] His sense of duty, however, prevailed and drove him back to Geneva, where, once installed into his old place, he displayed the utmost energy in furthering the plans he had matured during his absence. A system of Church polity, his "Ordonnances Ecclesiastiques," was adopted by the magistrates and people as the supreme law, knowing no mercy for those who disobeyed, but exercising a pitiless censorship over every act of the citizens. A system very much like that of the Catholic inquisition grew up under his patronage; secret spies denounced the slightest infraction of the laws, and even torture was applied to prisoners in order to extract confessions from them. The multitude of these cruel persecutions culminated in that of Michael Servetus, a Spanish physician, who, hunted and outlawed by Protestants and Catholics alike for his denial of the dogma of the Trinity, was caught in Geneva and burned alive by order of the Council, and with the sanction of Calvin. After this the Reformer's authority remained practically undisputed until his death. Geneva became the headquarters of the various Reformed churches, the Protestant Rome; England and Scotland, the Netherlands and Germany sent scholars to study under Calvin and to spread his peculiar doctrines to the ends of the earth. Calvin himself died in 1564, at the age of fifty-five, after having written an important page in the world's history.

[1] Oechsli, W. Quellenbuch. p. 344.

CHAPTER V.

DECAY OF NATIONAL LIFE.

WHEN we consider the religious and political differences to which the Reformation had given rise in the Swiss Confederation, the looseness of the bonds which held the various States together, and the total absence of any central power, impartial enough to render acceptable verdicts, or strong enough to enforce them upon the contestants, we may well wonder that the Confederation should have survived the trials of this period. The gigantic struggle between Protesttantism and revived Catholicism, which was raging in Europe at large, reproduced its various phases in miniature within the Confederation. Every success or failure of the foreign contending armies was made the occasion for public rejoicing or bewailing by the two parties in Switzerland, until the sentiment of a distinct, national life was lost in the heat of confessional dissensions.

Indeed, it is doubtful whether any remnants of the old Swiss spirit could have survived this ordeal, had it not been for the possession of common subject lands, for whose administration the hostile States were obliged to take concerted action.

In the middle of the sixteenth century, a strong reaction against the excesses of Protestantism came over Europe, culminating in the Catholic, or Counter-Reformation. Starting with the Council of Trent, in 1545-1563, this movement was carried forward with surprising vigor and success by the newly founded order of the Jesuits and the reorganized Capucines. In Switzerland, such men as Aegidus (Giles) Tschudi, of Glarus, the historian, and Ludwig Pfyffer, of Luzern, nick-

named "The Swiss King", on account of his wealth and influence, labored for the revival of Catholicism. The Five States concluded a defensive and offensive alliance with the Pope; while in Milan, Carlo Borromeo, Archbishop and leader of this revival, founded a "*Collegium Helveticum*", where a certain number of Swiss youths could be educated free of charge and sent back to spread the faith. Moreover, a Jesuit college was created in Luzern itself, and a regular nunciature established there. Finally the Five Catholic States, with Fribourg and the Valais, cut themselves off from the Protestant Cantons, in 1586, by concluding a separate league, known as the "Golden", on account of the gilded initial letters of the document then drawn up. In 1612, Zürich and Bern, on their side, entered into a special alliance with the Margrave of Baden. The State of Appenzell, where the two faiths had hitherto existed side by side, was torn asunder into Catholic and Protestant divisions, known as Inner Rhoden and Ausser Rhoden.

The confessional disputes and rivalries which had agitated Europe since the beginning of the Reformation, in 1618, ended in the long and disastrous struggle known as the Thirty-Years' War. Of course Switzerland could not remain uninfluenced by the war of extermination which was raging around her borders, but fortunately all the efforts, which Catholics and Protestants alike made to involve the country in direct participation, were fruitless. Gustavus Adolphus in vain admonished the Swiss of their traditional relationship with the Swedes. They displayed a self-possession and unanimity, which were truly remarkable considering their internal jealousies, for they refused to enter into the contest, and, for the first time, gave a practical application to the principle of neutrality, which has since become an established national policy with them, guaranteed by the European powers.

It was a period of utter demoralization in politics, but strangely enough an era of progress in art, science, and letters. Culture advanced while patriotism was dying, a fact which can only be accounted for by the stimulating effect of the doctri-

nal controversies, then in vogue, and the presence of many foreign fugitives, bringing new ideas, new arts and new processes of manufacture into the country. Strangely enough, also, it was at this very time of national degradation and confusion, that the work of Swiss independence received its final glorious culmination.

In 1648, the Treaty of Westphalia put an end to the Thirty-Years' War, and, what is more important for our special consideration, in a separate article formally acknowledged the independence of the Swiss Confederation from the German Empire. In the words of the text: "Aforesaid city of Basel and the remaining Cantons of the Helvetians are in possession of as good as full freedom and exemption from the Empire, and are in no way subject to the *Dikasterien* and courts of that Empire."[1]

Thus did the labor of the early patriots against the House of Habsburg reach its full fruition, and the independence of Switzerland, which was virtually an accomplished fact after the Swabian War, receive the official sanction of the world at large.

[1] Oechsli, W. Quellenbuch, p. 364.

CHAPTER VI.

THE GROWTH OF ARISTOCRACY AND THE PEASANTS' WAR.

IT is perhaps a mistake to imagine primitive Switzerland as a country in which pure democratic principles, as we understand the term in this century, held unlimited sway. Equal rights for all is a modern conception and phrase. It was not understood at the time when the Confederation was founded. But with all these political shortcomings and prejudices, the early Swiss were, nevertheless, the best democrats of their day, unconscious, but practical exponents of the virtues of self-government. This was especially the case in the sequestered mountain districts, where simple habits of freedom sprang naturally from the rocky soil. In the cities, the common people had been forced to wage a long warfare against feudal masters and privileged classes, so that their progress toward complete liberation had been somewhat retarded. But we may say that, at the beginning of the fifteenth century, before the spirit of foreign conquest had invaded the public mind, or the possession of subject lands had perverted the sense of natural rights, the Swiss States, both country districts and towns, were organized upon democratic principles.

Unfortunately, in the course of the sixteenth century, a retrograde movement began to make its appearance, an aristocratic spirit manifested itself, which acquired ascendancy during the seventeenth century, and was not successfully stamped out until the end of the eighteenth, when it was swept away by the hurricane of the French Revolution. All political and lucrative offices were monopolized by privileged

families; the Cantonal magistrates, as well as those which belonged to the Confederation at large; the bailiwicks of subject lands; and the posts of ambassadors to foreign courts. All were held by a few men and their relatives, or were even inherited from father to son, as in the early days of the Feudal Age.

These abuses were more conspicuous in the cities, with their larger populations and greater wealth. It is also noticeable that those in which the Guilds had no political power, like Bern, Luzern, Fribourg, and Solothurn, were more readily subjected to the rule of aristocratic factions, while the Guild cities of Zürich, Basel, and Schaffhausen retained their democratic organization much longer.

Nor did the Country States escape altogether from the prevailing tendency, for, although they never abolished the *Landsgemeinden*, still the actual governing powers tended more and more to be monopolized by certain powerful families.

What are the facts which can account for the growth of this aristocratic spirit in a country which was organized upon the principles of self government? One thing is certain, mere political conditions are not sufficient to explain so great a transformation.

It is true that since the entry of the Swiss Confederation into European politics, everything had tended to produce a distinct governing class. There were the great mercenary captains, the ambassadors to foreign courts, and the bailiffs of subject lands; men who acquired wealth and titles abroad, and expended them in establishing their political power at home. But economic and social abuses were at the root of these political privileges.

The great fundamental wrong in Switzerland was the same as that which has brought to ruin in succession the various great empires of the world. The treatment of the conquered provinces, of the new lands, and the men who tilled them, was continually at variance with the early traditions of the Confederation. As soon as the era of conquests had set in, an

aristocratic class had naturally developed. The conquered provinces were not accorded equal rights with the actual members of the Confederation, but were held in subjection, were fleeced by rapacious bailiffs, and denied the least expression of their own will.

The Confederates assumed the feudal rights of the nobility which they had driven out; their bailiffs ruled like sovereigns, held miniature courts, and exacted the same tribute, in the shape of taxes and personal service, as the former feudal rulers. As far as the subject lands were concerned, it was a mere exchange of masters, and sometimes a most disadvantageous bargain. The administration of these subject lands certainly forms one of the darkest pictures in Swiss history. Every State in the Confederation became a land-owning corporation. The aristocratic factions within the city developed into an idle body, who lived upon the unearned increment of land, or the pensions received from foreign military service. It made no difference that the Swiss peasants were generally allowed to remain in nominal possession of the land they tilled — in distinction to their fellows in France, Germany, and Italy — for mortgages, taxes, and personal services swallowed up the apparent advantage, and made their position fully as miserable.

This was the original cause which produced the aristocratic revival, and led to the terrible outbreak in the middle of the seventeenth century, known as the Peasants' War. After numerous unsuccessful risings in protest against these wrongs, a general movement was inaugurated, in 1653, in the Entlebuch, a valley subject to Luzern. It spread to other Cantons and finally embraced almost the whole Confederation. Popular assemblies were held everywhere by the peasants to protest against the tyrannies of the local governments, and a great wide-spreading "League of the People" was established, under the leadership of two devoted men, Christian Schibi and Nicholas Leuenberger. But the badly organized and ignorant peasantry, burning under a sense of injustice, without definite

plans or remedies, were no match for the well-equipped authorities of the various States.

It will be remembered that an article had been inserted into the famous Covenant of Stans, pledging the governments of the contracting States to support each other against popular up-risings. At the time when this agreement was made the country had been disturbed by the armed exploits of various bands of unemployed mercenaries, returned from foreign service, and there was, in reality, urgent need for concerted action upon the part of the authorities; but in this case the peasants were not seditious vagabonds, to be repressed without a hearing. They were men with legitimate grievances, and it is a distressing sign of the loss of the true democratic spirit in Switzerland that no serious effort was made by the governments to redress their wrongs. The Covenant of Stans reads like a contract between governments, instead of between peoples.

In the armed encounters which resulted from this state of affairs, the poorly equipped peasantry were beaten, and their leaders arrested. Leuenberger and Schibi were tortured and executed; Leuenberger being specially honored by having his body quartered as a final expression of the hatred of the authorities.

After this victory, the democratic movement gained renewed force, and the autocratic, absolute rule by the magistrates, quite upon the same pattern as that in vogue amongst the surrounding monarchical states, was substituted for the old self-government of the people. Popular sovereignty ceased to be acknowledged, and in its place arose the doctrine of the divine authority of the magistrates.

A period full of national degradation and shameful submission to foreign influences was the natural result.

Louis XIV., of France, succeeded in bringing the Confederates completely under his control, by binding them to him in a treaty, originally concluded in 1602 but renewed in 1663, in which they pledged themselves to supply him with at least six thousand men, or at most sixteen thousand annually, in return

for certain commercial privileges. He granted annuities of three thousand francs to each Canton and regular pay to the mercenaries beside.

Thus it was that Swiss soldiers fought under his banners against the Dutch Republic, in the Palatinate, and in all the great wars which Louis XIV. brought upon Europe.

Switzerland, in all but name, became a dependency of the French Crown. Born in the thirteenth century, she had passed through her heroic age in the fourteenth; had expanded, first by natural assimilation, and then by conquest, in the fifteenth and sixteenth; and in the seventeenth and the first part of the eighteenth was lying passive, unprogressive, and apparently in decay. Within the small circle of the Confederation the utmost confusion and diversity of interests reigned supreme; localism was carried to the farthest possible limits in the different States; different systems of coinage, different measures and military establishments conflicted with each other. The national, patriotic spirit was in abeyance.

Of course the aristocratic factions, which had gained the upper hand, endeavored to perpetuate their rule by secret methods, by organizations of spies and the enactment of sumptuary laws controlling every detail of private life. Some of these ordinances read like jokes perpetuated for the amusement of the people rather than serious efforts at legislation. Thus it was that Johannes Müller, Switzerland's classic historian, was forced to print Boston as the place where his great history was published, instead of Bern, in order that it might escape the scissors of the local censor, and the pamphlet of Freudenberger, showing the Danish origin of the legend of William Tell, was publicly burned by the hangman of Uri. An aversion to everything new characterized the ruling powers, and a timid clinging to everything old. Society seemed once more organized upon a feudal basis, without, however, the compensations which had made the old system so long tolerated.

But even while Switzerland presented this doleful aspect,

and seemed to have wandered hopelessly from her original ideals and traditions, new forces were beginning to work in her midst, preparing a movement which should eventually lead to a complete national regeneration. Switzerland was soon to be purged of the artificial, aristocratic, and autocratic abuses which had fastened themselves upon her public life. After many vicissitudes she was destined to become the most democratic, and best governed of modern states.

BOOK V.

THE MODERN CONFEDERATION.

CHAPTER I.

SIGNS OF NATIONAL REGENERATION.

A WHOLE list of world celebrities lived and worked on what is now Swiss territory, during the second half of the eighteenth century and the beginning of the nineteenth. Zürich, Bern, and Basel, the republic of Geneva, Neuchatel (at that time a Prussian Province), and the land of Vaud (still in subjection to Bern), were all the homes of men whose influence radiated over the whole of Europe.

It suffices to mention the names of Voltaire, Rousseau, Madame de Staël, Gibbon, Lavater, and Pestalozzi, in order to indicate what tremendous powers were concentrated on Swiss soil during that period.

In truth, it was a revival of literature, of the arts and sciences, which gave the original impulse to the national regeneration of Switzerland. Political reorganization seems to have followed in the footsteps of this awakening instead of preceding it, as one might have expected.

The honor of starting the movement of reform, of touching the public conscience, must be ascribed to Johann Jacob Bodmer, of Zürich, who gathered about himself a school of devoted scholars, bent upon the task of reviving patriotism, and founding a veritable independent Switzerland. He seems to have drawn his inspiration principally from the master-pieces of English literature, for which he conceived an ardent admiration. In conjunction with Johann Jacob Breitinger, he founded a review in imitation of the English reviews, with a somewhat fanciful name, "The Discourses of Painters," in which he and his followers gave expression to their ideas upon

national topics. Bodmer was also in constant communication with the celebrated Klopstock, known as the Father of modern German prose.

While this school of thought was actively engaged in Zürich, Albrecht Von Haller, in Bern, was writing patriotic poems, which found a ready echo all over Switzerland. It was not long before every place of importance in the country had become the centre of stirring, literary activity, fostered by correspondence with foreign scholars, or by the visits of great men, such as Goethe and Fichte. This age saw Lavater, theologian and original investigator into the science of Physiognomy and Phrenology; Salomon Gessner, the author of "Swiss Idylls"; Isaak Iselin, of Basel, the philosopher; and Pestalozzi, whose labors in educational matters have become the common heritage of mankind. It is significant of the extent to which culture had advanced in Switzerland as compared with Germany, that a little place like Solothurn supplied three times as many subscribers to Goethe's works as either Berlin or Vienna.

In Basel, the family of Bernouilli were attracting universal attention by their achievements in various branches of science, notably in mathematics. It was at this time, too, that Gottlieb Emanuel Haller, of Bern, and Johannes Müller, of Schaffhausen, the classic historian of Switzerland, were inflaming patriotic zeal by their writings on national history. Fearless investigators were beginning to show the legendary character of the national hero, William Tell. As a result of De Saussure's ascent of Mont Blanc and his various exploits and descriptions, the Alps now, for the first time, acquired a charm in the eyes of the world. The Ancients had regarded them only as horrible, uncanny manifestations of nature, to be avoided if possible; now men were led to seek new inspirations and serene pleasures in their midst. Tourists began to flock to them, new roads and maps to multiply.

So pronounced an awakening in literature could not fail to exert a reflex action upon politics, and to stimulate patriotism.

In 1762, a so-called Helvetian society was organized, with the avowed object of studying and introducing practical reforms in every department of public life. The Baths of Schinznach, near Brugg, were selected as a rendezvous for the members of this society. It was agreed that complete religious toleration should reign over their consultations.

About the same time, an agricultural society was formed in Bern, the *Oekonomische Gesellschaft* (1759), said to have been the first of its kind in Europe. The old system of rotation of crops, with all its waste and primitive methods, began to be abandoned, every farmer planting when and where he chose. The *Allmenden*, also, those peculiar landmarks of Swiss country districts, tended to disappear, and with them that primitive communism of which they were the outward expression. In other branches of production, changes manifested themselves. Manufactures of silk, wool, and cotton were erected in the Eastern part of Switzerland; in French Switzerland watch-making was introduced, and has maintained itself there ever since.

Simultaneously with these manifestations of the modern spirit in the old Confederation, there was in progress a marvelous quickening of thought, a veritable upheaval of tradition, on the borders of the lake of Geneva. The premonitory symptoms of the French Revolution were abroad in the air. The philosophy of enlightenment was making converts. A host of dissatisfied, expectant, speculative thinkers were undermining long-cherished institutions in every department of life.

The Republic of Geneva had been torn throughout the century by internal conflicts between the ruling, oligarchical faction and the common citizens. The situation was aggravated by the presence of a third group, the descendants of foreigners, who had settled in Geneva, principally as a result of the Revocation of the Edict of Nantes, in 1685. Although these families formed the most progressive and enlightened element in the community, they were without political rights in their adopted city, but were oppressed alike by the aristocracy, and the native citizens. It was to them that Voltaire said: "My

friends, you resemble somewhat those flying fish, who, when out of water are eaten by birds of prey, and when they dive back again into the waves, are devoured by big fish."[1] There was almost universal discontent.

By a somewhat unusual coincidence, two men arrived in Geneva, in the same year, 1754, who were destined to exert an overmastering influence upon their time. Rousseau was returning there after a wandering, unstable youth, spent principally in France, and Voltaire entered the city to spend the declining years of his life. Between them they succeeded in creating a veritable revolution in theology, literature, and politics, attracting followers, but attacking each other without mercy or scruple.

Jean Jacques Rousseau was born in Geneva, in 1712. H. T. Amiel calls him, "The most powerful advocate of individualism." He preached the gospel of the natural rights of man. In his "Nouvelle Héloïse", he gave an idyllic picture of primitive society, in "Emile," pleaded for the natural method of educating children, and in the "Contrat Social", outlined an ideal state. But his writings are often mixtures of sublime truths and strange sophisms. Always invigorating, palpitating with earnestness and actuality, never failing to provoke thought, Rousseau, at times, fell into error and showed a warped judgment. After his "Emile" had been publicly burned by the hangman, he fled to Yverdon, and thence to Môtiers, in the then Prussian Province of Neuchatel. But his "Letters from the Mountain", provoking the peasants of his retreat to threaten his life, he withdrew to the little island of St. Pierre, in the lake of Bienne. Hunted even from this shelter soon after, by the authorities of Bern, he went abroad to Strassburg, and also visited his friend, David Hume, in England. He died in 1778, before the great revolution, of which he was the chief apostle, had culminated in the revolt of the French people. A warm-hearted, unbalanced creature, filled with the immortal promptings of liberty, Rousseau seems

[1] Godet, Philippe. Histoire Littéraire de la Suisse Française, p. 229.

to have been more sinned against than sinning. He had caught the imagination of a restless generation, reflected its aspirations, and in an unconventional, free spirit had taught men to learn from nature at first hand. He made all Europe stop and think. Certainly the French Revolution derived from him its conception of civic equality and national sovereignty, and the world has many lessons still to take to heart from the Genevese philosopher.

Voltaire was sixty-one years old when he took up his residence in his estate of *Les Delices*, near Geneva. His free-thought writings and the theatrical performances, which he delighted to hold with his friends and followers, shocked the Puritan city inexpressibly. Whether at Lausanne, or in the castle of Prangins, near Nyon, or at Ferney, just outside the jurisdiction of the Republic of Geneva, whither he retired after his enemies grew too strong in the city, everywhere he created a stimulating, irreverent atmosphere. From his retreat, he delighted in worrying and twitting the staid magistrates of the city. He laughed at the disturbances he created. There was something sinister in his raillery, and malicious in his cynical genius. At times his feverish wrath against his enemies took on an almost diabolical character. But the marvelous brilliancy of his satire, his perseverance, even if unworthily exhibited, must be accounted of value in the general assault which was being made on antiquated abuses, and irrational modes of thought.

Edward Gibbon, on three occasions, made his home in Lausanne, in 1756, again from 1763–1767, and from 1785–1793. It was there that he finished his great work on the "Decline and Fall of the Roman Empire." Not possessing the magnetic, attractive power of either Voltaire or Rousseau, Gibbon did not gather around him a circle of disciples, but was well known to all his contemporaries in the world of letters. It is interesting to know that he was at one time engaged to be married to Suzanne Curchod, later the wife of Necker, the famous financier of Louis XVI.

It was in the castle at Coppet, a little village on the lake, near Geneva, that the daughter of Mme. Necker, Mme. de Staël, held intellectual court, at the beginning of this century. The best thought of Europe flocked thither. For a time European brilliancy was focused upon that small place.

In this manner the ground was being prepared for a mighty harvest. A regeneration was at hand, and in this world-wide movement, Switzerland was playing a prominent part.

CHAPTER II.

THE HELVETIC REVOLUTION.

IT is unnecessary for the writer to describe in detail that tremendous awakening of mankind, which characterized the last decades of the eighteenth century, and changed the face of Europe. The centenary of the French Revolution was recently celebrated with so much splendor, its history was so fully and minutely reviewed, and the lessons which it inculcates were placed before the public in so unmistakable a fashion that nothing new remains to be said upon the subject. I will simply call attention to the fact that Switzerland also felt the promptings of the spirit of the age, and played her part in the tragedy which marked the overthrow of an old civilization and the beginning of a new one. Indeed, the Revolution, like the Reformation two hundred years before, was a universal movement, penetrating every sphere of thought and action and spreading to every land. It was not exclusively French, for in 1776, fully twenty years before the outbreak in France, the United States of America had launched forth upon an astonished and applauding world the glowing enunciation of first principles contained in the Declaration of Independence.

As early as the first decades of the eventful eighteenth century, the people of the Land Cantons of Switzerland had grown restive under the autocratic rule of their governments. Popular risings occurred in Appenzell against Landammann Zellweger, who, intrenched behind his office, resisted for some time all efforts made to dislodge him; in Zug against a certain Zur Lauben; and in Schwiz against the aristocratic supremacy

of the family of Reding, who, having acquired wealth in foreign service, had constituted themselves patriarchal leaders of the people at home.

The cities also began to feel the effects of the new ideas which were taking possession of the people. Geneva, as has been noticed in the preceding chapter, was the scene of countless revolts and revolutions against the established order of government. In Bern, Henzi, the leader of a democratic movement, was executed, with two companions. In Zürich a certain Waser shared the same fate.

Finally the subject lands themselves, the down-trodden, long-suffering victims of a system of tyranny, but little better than that of the feudal age at its worst, revolted against their abnormal condition. The little Gemeinde of Wilchingen, in the territory of Schaffhausen, seems to have been the first to rise; then came liberty-loving Entlebuch, under the rule of Luzern; and other small communities followed the example thus set to them. The most notable of the revolts, at this time, was the ill-fated one of the people of Vaud, under Major Davel, a singularly disinterested, but visionary character. His heroic efforts failed utterly. Having been seized by the Bernese authorities, he was beheaded just outside of Lausanne. Disturbances broke out subsequently in the territory of the Prince Bishop of Basel, and in the Toggenburg, a subject land of the Prince Abbot of St. Gallen. The Val Leventina, modern Ticino, showed signs of unrest under the rule of Uri; and Neuchatel tried to throw off the Prussian yoke, which had been imposed upon the little city by the treaty of Utrecht, in 1712.

But soon the efforts of the revolutionary parties sought wider fields. A regular propaganda of new ideas was started by a Swiss Club, formed for the purpose, in Paris. Pamphlets were distributed broadcast, in spite of the watchfulness of the Cantonal authorities; the subject lands were exhorted to throw off the yoke of foreign rule. The principles of equality and natural rights were preached.

On several occasions, war seemed imminent between France and Switzerland, especially in 1792, when the greater part of the Swiss Guard was massacred in defending the Palace of the Tuilleries from the attacks of the mob. It appears that the Swiss troops were more than holding their own, when the word of command came from the King to cease firing, and the people, overpowering the guard, killed more than half of them. It is in commemoration of this deed that the famous lion of Luzern was designed by Thorwaldsen, and the words "*Helvetiorum fidei ac virtuti*" engraved beneath. But the final outbreak of hostilities did not come till later, when the Directory having been established in France, and Napoleon having assumed control of affairs, the conquest of Switzerland became a necessity, in order that she might act as a buffer against Austria and Germany and a link with the newly conquered regions of the North of Italy. There can be no doubt that Napoleon deliberately planned the invasion of Switzerland, in order to make use of her important strategic position for the furtherance of his great plans. He also desired to replenish his coffers with the great sums of money, which were known to be hidden in the treasury vaults of Bern and other rich centres.

The French were helped in their designs by two Swiss statesmen of talent, whom they had succeeded in winning over to their side; Peter Ochs of Basel, and Frederic Cæsar La Harpe of Vaud. Not that these men intentionally played the part of traitors to their native country; they were inspired by the desire, which all true patriots must have shared with them, of seeing the aristocratic factions in the various Cantons swept away and true democratic governments substituted. The mistake they made was in trusting too much to the good faith and the avowed disinterestedness of French statesmen.

The first infringement of Swiss territory took place in 1797. The Val Tellina (Gr. *Veltlin*), then a subject land of Graubünden, but now forming part of the kingdom of Italy, seized the opportunity created by internal difficulties in

Graubünden, to break away, and, with Napoleon's permission, to join the newly erected Cisalpine Republic.

In the same year, Napoleon passed through Switzerland, on his way to the Congress of Rastadt. Geneva and Lausanne received him with open arms. He passed by Morat, Bern, and Basel through the country, greeted everywhere with enthusiasm, either as a deliverer and avenger, or as an all-powerful conqueror. The Congress of Rastadt was a failure, but Napoleon had been able to reconnoitre Switzerland, and it is probable that the indications which he gave his generals upon his return to Paris were of great service in the subsequent invasion of the country. In the meantime, the patriots of Vaud were carrying on a systematic agitation, under the leadership of La Harpe, encouraged by the French authorities. Bern then sent troops into Vaud, and the inhabitants called upon the French for help; thereupon the French ambassador, in the name of the Directory of France, officially recognized the "Republic of the Leman", and two days after, upon a slight pretext, French troops entered and occupied the new Republic.

Under outside pressure, and when it was too late, the governments of the various Cantons announced all manner of reforms, thinking thus to satisfy the long-expressed demands of the people. But the latter now took matters into their own hands. In every Canton the glad news of "Liberty, Equality and Fraternity" was proclaimed. The whole country was in a state of confusion and transition, admirably suited to further the plans of the French Directory. In fact, Bern was the only Canton which made serious preparations to withstand the invasion. The other Cantons were either too busy in settling their own local disturbances, or were indifferent to the bonds which still held them to each other. It must also be acknowledged that the majority of the Swiss people did not suppose that France harbored any hostile plans against them, but naïvely believed in the assurances of the French emissaries accredited to their various governments. At most they looked for a benevolent intervention.

After long negotiations, an unacceptable ultimatum was sent to the Bernese authorities by the French, and the attack began upon the old city, so long free from foreign foes.

The French army, under Brune and Schauenburg, mustered 25,000 strong with reserves, while Bern could put only 15,000 in the field. It was not long, therefore, before the three columns of the French had thrown back the Bernese detachments sent forward to intercept their approach. At Grauholz, a decisive battle was fought.

From the very beginning of the conflict, it was evident what the result must be. The disproportion between the forces was too great to admit of a favorable outcome for the Bernese, but, nevertheless, they stood undaunted and steadfast in their place of defence, displaying throughout that terrible conflict, the truest heroism. Old men and women, with agricultural implements, threw themselves into the fray, only to be cut down by the French soldiery. At length, overcome by superior numbers, the Bernese troops withdrew to their city, and capitulated just as Erlach, their leader, was meditating a last supreme effort.

It seemed as though the power of resistance in the outworn Confederation had been completely broken, for, after the fall of Bern, the other states yielded without striking a blow. The ancient league of Thirteen States collapsed like an old house, unfit for use.

CHAPTER III.

THE HELVETIC REPUBLIC.

AS one of the few Americans who have turned their attention upon Swiss history has aptly remarked, "A consultation of French doctors sat upon the case of Switzerland. Having rejuvenated France, the Paris revolutionists proposed to reform the rest of the world. Switzerland must be made a unit state, and so it was. The ancient Cantons, cradled in independence and grown old in isolation, were suddenly transformed into departments of a single government and called the Helvetic Republic."[1]

Had disinterested motives alone prompted French interference, Switzerland might have been spared those scenes of violence which followed the proclamation of the new Helvetic constitution, but the French statesmen and their generals had absorbed the lust of conquest and of plunder. Brune issued a pompous proclamation, in which he solemnly affirmed that he had come as friend of the worthy descendants of William Tell, and not as conqueror. He told the Swiss to fear nothing for their personal safety, their possessions, their religion, their political independence, and the integrity of their territory. As a matter of fact, these promises were deliberately broken. No sooner had the French troops taken possession of the country, than the inhabitants were ordered to lodge and feed them, and a systematic plundering of the cantonal treasuries was undertaken by Brune and his associates. Many millions of francs were thus sent to France, ostensibly to pay for the costs of the occupation, but really in order to fill the

[1] Vincent, J. M. A Study in Swiss History. Pamphlet p. 12.

depleted coffers of the French Directory. Especially hard was the fate of Bern, whose rich treasury, the long-saved-up hoard of centuries, was promptly despoiled of available funds in bullion and securities.

No words are too strong to condemn the conduct of these French invaders. No regrets can suffice to express the harm they did to the cause of liberty in Switzerland and in the world at large. The ultimate benefit which accrued to Switzerland from the French Revolution is the only extenuating circumstance, the only excuse which can be cited in their behalf.

It was determined to put in force a Constitution, modeled upon that of France, and for this, the project drawn up by Ochs was taken as a basis, but considerable vacillation showed itself at first in adopting a definite scheme. An idea was mooted of breaking up the country into three parts, with ready-made boundaries, and utterly fanciful names. There was to be, first, a Republic of the Rhone, comprising Vaud, Fribourg, parts of Canton Bern, the Valais, and Ticino; secondly, a County of Tell (*Tellgau*), for the Forest Cantons; and thirdly, an Helvetic Republic, for the Northern and Eastern Cantons. Finally, this separatist project was abandoned; it was decided to create a completely centralized state, the Helvetic Republic, one and indivisible.

The new constitution, promulgated April 12th, 1798, first enunciated a series of general principles. They are now universally understood and clearly established, but were absolutely foreign to the spirit of the old Confederation. The sum total of the citizens was declared sovereign; the form of government was to be a representative democracy; religious liberty and the freedom of the press were guaranteed; all hereditary powers and titles were abolished, as well as the last remnants of feudal tenure of land. "The natural liberty of man is unalienable; it has no other limits than the liberty of every other man," says the text. Radical ideas, such as these, came like a revelation to men who had suffered under systems of local tyranny, which, in every Canton, had bred a host of

economic and social abuses. The very boldness of these declarations, their irresistible logic, captivated men's minds. A new vista of justice seemed opened to the oppressed. A great reform wave seemed ready to dash away every vestige of long-accumulated wrongs.

The document then proceeded to determine the various attributes of government. Two legislative bodies were instituted, the Senate and the Grand Council, the former to consist of four delegates from each Canton, and the latter of representatives chosen according to population. The executive power was lodged in the Directory of five members, to be elected by the Senate and the Grand Council conjointly. Four ministers, with special departments, were also to be chosen to act with the Directory in the administration of executive powers. A Supreme Court, consisting of one judge from each Canton, controlled the highest judicial functions. A small standing army of paid troops was to be maintained, and a body of militia in each Canton.

Moreover, every Canton was to possess a Prefect, who represented the central government, besides a board of administration and a cantonal tribunal. For the districts, which were subdivisions of the Cantons, sub-Prefects were appointed.

Finally, conditions were imposed which made any revision of the constitution an extremely cumbersome procedure.[1]

It will always remain the principal merit of this Constitution that it abolished utterly all distinctions between the Cantons and their subject lands; that it placed the inhabitants of the whole of Switzerland upon an equal footing, and gave them the inestimable privileges of religious liberty and freedom of the press. It destroyed the last vestiges of the aristocratic organization of the Cantons, and created a new title — the Swiss citizen. But unfortunately these benefits were accompanied by narrow, vexatious ordinances, often too ridiculous to deserve serious consideration, but of such a nature as to rouse all the deep-seated prejudices and susceptibilities of the Swiss

[1] Oechsli, W. Quellenbuch. p. 417.

people. For example, the uniforms which were to be worn by various government officials were designated with the utmost precision, and often in the worst possible taste. Some of the descriptions of the obligatory costumes are a positive shock to one's æsthetic nerves. A Senator wore a blue coat, a straw-coloured waistcoat, a tri-color scarf with fringes, and a black hat with a green ostrich feather. A solemn decree was issued, making the national colors of Switzerland green, red and yellow. We shudder to think of this combination, and marvel at such an aberration of French taste.

On the whole, the failure of the Constitution, so admirable in its enunciation of general principles and so logical in its arrangement, must be ascribed to an absolute disregard of the historical development and habits of the Swiss people. It was purely artificial; it was super-imposed, and therefore unacceptable to a people accustomed, through centuries of experience, to manage their own affairs. The Old Confederation deserved to fall; but the Helvetic Republic was not suited to succeed.

One by one, the Swiss Cantons accepted the new Constitution, until it came to be the turn of the Forest Cantons. Here, however, the French met with a determined resistance; all efforts to introduce the foreign-made organization into the cradle of Swiss liberty failed in the presence of their uncompromising attitude. Full of patriotic fervor, and inspired by a sort of exaltation, the people of the primitive Cantons prepared to oppose the hated innovation by force of arms. Ten thousand men put themselves under the command of Alois Reding, of Schwiz, ready to repulse the French. Their plan of campaign, however, was destined to result in failure, for, instead of concentrating their forces upon a few threatened points and acting entirely upon the defensive, they dispersed in every direction in the hope of winning the surrounding country to their cause. The French, on the other hand, advanced with 30,000 men, from Zürich and Luzern, upon the village of Schwiz. As in the olden days of the war of independence against Austria,

so now, this little place was the objective point, the soul and inspirer of the rebellion. There were a number of hard-fought preliminary encounters before the decisive battle was fought, notably one in the Hohle Gasse, near Küssnacht, where the historical association of the spot fired the Swiss to deeds of utmost valor. At the upper end of Lake Zürich the fighting was also very sharp, but in the end the French forced their way through, until the Canton of Schwiz was completely surrounded.

Now came the supreme moment which was to decide the issue of the campaign and the fate of Schwiz. Strangely enough the final conflict was fought upon that very range of Morgarten which had witnessed the first great victory of the early Confederates against Austria, more than four hundred and fifty years before. In the morning of the decisive day, the French advanced from the Lake of Zürich, and penetrated as far as Einsiedeln, through the treachery or cowardice of a busybody priest. Reding had been expecting them at the pass of the Schindelleghi, but, hearing of this movement, withdrew to the plateau of Rothenthurm, where he received reinforcements from Uri and the Landsturn of Schwiz, consisting of old men and beardless youths. In the meantime, another detachment of French troops advanced from Aegeri, climbed the slopes of Morgarten, and took possession of the whole ridge. The Swiss dislodged the French from this ridge, after severe fighting, and then turned, with fanatical fury, against the enemy coming from Einsiedeln. They succeeded in driving back even this force with great loss, but when night fell the conflict was undecided; for, although the Swiss had repulsed the French, it was evident that they could not long sustain the attacks of greater numbers continually being reinforced. An armistice was concluded before fighting could be renewed next day, and a definite peace signed, by which the Forest Cantons agreed to accept the Helvetic Constitution, but only on condition that all their ancient liberties should be guaranteed to them.

The example of Schwiz was followed by Uri, Glarus, Zug, and Unterwalden. Resistance was offered in the Upper Valais, but the patriots were promptly defeated near Sion. On the 14th of July, 1798, the deputies from the eighteen Cantons, which at the time composed the Republic, met in Aargau to take the oath of allegiance to the constitution.

Nidwalden alone refused to allow its citizens to take the oath, and went so far as to depose the Helvetic officials of the Canton, at the instigation of the fanatical local clergy. Schauenburg, the French general, therefore, on the 6th of September, began operations against the stubborn mountaineers, with a force of between 12,000 and 16,000 veterans. Barely 2000 inexperienced peasants of Nidwalden stood opposed to him. His attempts to land troops at Stansstadt and Kehrsiten having proved unsuccessful, he next, on the 9th, directed his attack upon Stans, the village-capital of the Canton, advancing by way of the valley lying between the short ridge of the Mueterschwand and the great Stanserhorn. But the French met with heroic resistance, their advance was effectually blocked, until finally they penetrated to the rear of Stans by the pass of Grossächerli. This had been left almost undefended. The inhabitants fought in desperation, with a fury which knew no bounds, while the victors, maddened by the long resistance they had encountered, committed the most atrocious acts of cruelty, slaying women, children and old men alike in their rage. Schauenburg was obliged to write to General Jordi: "We have lost a great many men, which was unavoidable, considering the incredible stubbornness of these people, whose fearlessness became positive madness. . . . It was one of the hottest days I have ever seen."[1] In fact, while Nidwalden lost only a little over four hundred persons, the French mourned several thousand men.

The battle of Stans deserves a place in world-history, apart altogether from its character of an heroic defence. It gave Pestalozzi, the founder of modern pedagogy, an opportunity

[1] Oechsli, W. Quellenbuch. p. 447.

to put into practice the principles which have since made his name famous the world over. The slaughter, namely, had been so great at Stans that many orphaned children were left there in a state of the utmost misery. In view of this lamentable state of things, the Helvetic Directory decided to found an orphan asylum in the place, and to put Pestalozzi in charge, whose extraordinary success as a teacher of children in his institute of Neuhof had already attracted attention. Pestalozzi's methods at Stans elicited the admiration of Zschokke, then government commissioner, and, although renewed war-like disturbances made his recall necessary, the work he accomplished on this occasion left an indelible mark upon the educational progress of mankind.

No sooner was the Helvetic Republic firmly established and in working order, than it displayed a positively astounding legislative activity. Decree followed decree, in rapid succession. The most startling innovations were adopted in every department of national life, in finance, in the administration of justice, and in the relations between church and state. Many truly magnificent conceptions came to life; many plans of more than ordinary greatness were ventilated in the course of parliamentary debate. Especially fine was the system of education elaborated and, in a measure, put into practice by the enthusiastic Stapfer. One of the happiest strokes of the government was to abolish all the petty, vexatious, commercial restrictions, which the individual Cantons had imposed for centuries, and to declare absolute free trade throughout the length and breadth of the republic. It was significant of the barbaric medieval character of the old Swiss Confederation that torture, as a means of punishment, had still been officially recognized, until the Helvetic government expressly decreed its cessation.

But the continued occupation of the country by French troops became a tremendous tax upon the resources of the country. The proceedings of the Grand Council, for the year 1798, are full of complaints from various representatives,

describing the wanton tyrannies of the soldiery, and their unpunished excesses. The Helvetic Directory remonstrated with Rapinat, the French commissioner, but he answered them in insolent terms; demanded the deposition of two members of the Directory, whom he could not browbeat into submission; and issued a proclamation, declaring null and void all resolutions passed by the Helvetic government, which were contrary the orders given, or the measures taken, by the commissioner to himself or the French commander-in-chief. The situation was humiliating in the extreme; the Swiss were powerless to rid themselves of their oppressors.

As though to emphasize Switzerland's abject submission to France, an offensive and defensive alliance was concluded between the two countries on the 19th of August, 1799, which marks the lowest stage in her abasement. The contracting parties pledged themselves to mutual help in case of war. France agreed to guarantee the Helvetic constitution against the attacks of the ancient oligarchies, and to give back a few old cannon captured in the late disturbances. In return for these concessions, the Helvetic Republic was obliged to cede Geneva and Porrentruy to France, and to leave two great routes always open to the passage of French troops and merchandise, one along the Rhine to the lake of Constance and thus into Germany and Austria, and another up the Valais into Italy. In truth, these conditions converted Switzerland into a conquered province, a mere vassal. A French protectorate had been virtually established.

CHAPTER IV.

SWITZERLAND THE BATTLE-FIELD OF EUROPE.

DURING those dark days at the beginning of the century, when Switzerland had become the battle-field of Europe, and her independence was trampled underfoot alike by Napoleon and the Allies, Wordsworth broke forth in that noble lament, which is entitled, in the collection of his poems, "Thought of a Briton on the Subjugation of Switzerland." Coupling the fall of Venice with that of Switzerland in his mind, he thus apostrophizes Liberty: —

> "Two voices are there: one is of the sea,
> One of the mountains; each a mighty voice.
> In both from age to age thou didst rejoice;
> They were thy chosen music, Liberty!"

Although the Confederation has now entirely recovered from the humiliation of that time, the Swiss people still remember the helpless position into which they once fell, with a lively horror. The shame and suffering which the year of 1799 brought upon the country cannot be adequately appreciated, until we examine in detail the operations of the foreign armies.

During Napoleon's absence in Egypt, the so-called war of the second coalition broke forth in Europe; Russia, Austria, and England, with some of the lesser powers, uniting against France. An elaborate plan of campaign was drawn up by these allies, and the French Directory placed six armies in the field to oppose its execution, of which Massena commanded

the one operating in Switzerland. The famous Alpine fighter, Lecourbe, acted under Massena's orders.

Early in the year, war seemed inevitable. France and Austria gave the signal for hostilities in Graubünden, a district which, they foresaw, must be of the utmost strategic importance to their armies in the coming struggle. At first, Massena and Lecourbe were successful, but, by degrees, they were forced to evacuate the Tyrol and Graubünden, and fall back upon the Forest Cantons.

In the meantime, the greatest uncertainty reigned in Switzerland itself. The adherents of the Helvetic Republic, led by the indefatigable La Harpe, were for declaring war against Austria, and raising an army to help the French. On the other hand, the partisans of the old Confederation, and all the reactionary elements, favored an Austrian alliance. The country was hopelessly divided, and could not be brought to act as a unit. In the end it remained passive under the terrible infliction. In some battles, Swiss soldiers fought on both sides, like their ancestors, the mercenaries, in foreign wars. Discontent, persecutions, and wide-spread misery produced popular disturbances in almost all the Cantons. Switzerland lay powerless and distracted on the eve of the storm.

In May, two Austrian armies advanced into the country; one of 40,000 men, under Archduke Charles, coming over the Rhine from Germany, and another of 20,000, under Field-marshal Von Hotze, a Swiss in Austrian service, from Graubünden. Lecourbe retreated into the Forest Cantons, and Massena gathered all available troops around him in Zürich. It was near this city that the decisive conflicts of the war in Switzerland were fought.

As the Austrians advanced, Massena saw himself unable to maintain his position within the walls of Zürich. During the 4th, and until the 7th of June, he was obliged to fall back, and finally entrench himself at the foot of the Uetliberg, from which he could effect a conjunction with Lecourbe at Luzern.

Now was the moment for the Austrians to push their advan-

tage, and strike a telling blow; but there was disunion amongst the allies, their ambitions conflicted, mutual jealousies arose, and Archduke Charles was not allowed to complete his victory.

A change of plan was executed at headquarters. It was decided that Archduke Charles should march into South Germany; that a Russian corps, under Korsakoff, should take his place at Zürich; and finally, that the great victorious general, Suvaroff, should invade Switzerland from Italy, over the St. Gothard, and co-operate with Korsakoff in driving the French out of the country. Months of inaction were allowed to slip by, while these changes were being made; Massena was able to recover from his defeat, and to elaborate a general plan of attack all along the line. The problems involved were complicated and necessitated a thorough knowledge of topographical conditions, but the French generals surmounted all difficulties in a brilliant manner, carrying to a successful conclusion one of the most masterly military achievements of modern times.

On the 14th and 15th of August, the six divisions of the French army, stationed in Switzerland, were simultaneously set in motion against the opposing Austrians. The fighting was especially severe on the St. Gothard and in the valley of Urseren, amid the Alpine desolation of those regions. The rattle of musketry and clash of arms re-echoed from the precipices; hoarse commands, the cries of the wounded, the oaths of an infuriated hand-to-hand combat, and all the sounds of battle mingled with the roar of mountain torrents. By the 16th, the French had conquered all along the line.

Still there was danger from the side of Suvaroff, who was hurrying toward the St. Gothard from Italy, in order to take the French in the rear, while Korsakoff and Hotze attacked them in the front. Massena determined to anticipate Suvaroff's arrival by making an offensive movement upon Zürich. The Russian conqueror had sent word to Korsakoff and Hotze to begin their attack on the 26th of

September. On the 25th, Massena himself moved forward from the Uetliberg, under cover of a thick morning fog, driving the Russians from their positions. At the same time, Hotze was attacked and routed in the region between the lakes of Zürich and of Walen. Next day the French entered the city of Zürich and the Austrians and Russians were in full retreat.

But this victory had come none too soon, for, on the same day, Suvaroff made his appearance in Uri, having fought his way over the St. Gothard, in the face of terrific odds, against the French, under Lecourbe.

On the 24th, he had reached the southern foot of the pass with 20,000 men. A detachment of 6,000 had been detailed to penetrate into Urseren, by the Oberalp Pass, thus taking the French in the flank. By almost superhuman exertions the main body had reached the top of the St. Gothard, fighting every foot of the way. Then the attack upon the French flank had been executed ; a last stupendous struggle had taken place at the Devil's Bridge, between Andermatt and Göschenen, and Suvaroff was momentarily master of the situation.

But Lecourbe's resources were never at an end. He hurried before the advancing Russians, and gave orders that all boats of every description should be removed from that branch of the lake of Luzern which goes by the name of the lake of Uri. When, therefore, Suvaroff arrived at the water's edge, to march upon Schwiz and Zürich, in order to join Korsakoff and Hotze, he found that he had strayed into a blind alley. There was no road along the Axenberg, as in the present day, and he could not spare the time to construct boats to transport his army. In this predicament, he resorted to an expedient which many a well-equipped modern tourist might dread. He turned aside and, with bag and baggage, climbed the almost pathless Kinzigkulm, in order to reach the Muotta Valley. When he arrived there, after incredible difficulties, it was only to hear that the generals he was going to meet had been defeated and were in retreat. Filled with heartrending

disappointment, the old veteran, victor in so many battles, saw himself constrained, for the first time, to retreat before the enemy. He straightway comprehended his critical situation, crossed the Pragel Pass to Glarus and thus made his escape, fighting steadily with the French, who swarmed about his path. Only those who have themselves followed the itinerary of this masterly retreat can appreciate the dangers, the untold fatigues and privations, and the horrors which Suvaroff and his brave band must have suffered. Military history has nothing more heroic to show, and never has purely Alpine fighting been managed on so vast a scale.

As for the condition of the Swiss people, while this European struggle was being waged upon their soil, it was nothing short of pitiable. In November, 1799, the French ambassador, Pichon, wrote to his government, describing the widespread misery which he saw about him. "The small Cantons are a wilderness," he said, "The French army has been quartered three or four times between Glarus and the St. Gothard within six months. . . . The soldier has lived upon the provisions of the inhabitants. . . . As our troops did not obtain a single ration from France, everything was eaten up six months ago, even before the 25,000 Russians invaded this devastated region. Urseren alone has fed and lodged in one year some 700,000 men. . . . The richest Cantons are all oppressed by requisitions and have succumbed under the load of quartering men and feeding soldiers and horses. . . . Everywhere there is lack of fodder. . . . Everywhere the cattle are being slaughtered."[1]

The French army remained in Switzerland until 1802, a curse to the exhausted country, but even before its departure the constitutional problems and the struggle between party factions, which the war had somewhat allayed, were renewed and again led to foreign interference.

[1] Oechsli, W. Quellenbuch, p. 468.

CHAPTER V.

NAPOLEON'S ACT OF MEDIATION.

THE conviction had now forced itself upon the nation that the Helvetic constitution was not suited to the requirements of Switzerland. It did not take into consideration the ingrained genius of the people for local self-government; it made no allowance for that principle of federalism, upon which the country had been organized for more than five centuries, and, as a superimposed foreign product, it was doomed to prove a failure. The people had submitted to its disturbing provisions, because they were powerless to resist the French bayonets, but they were ready to overthrow the odious Helvetic government, as soon as the soldiers, upon whom it relied for support, were withdrawn.

In fact, so sure were the Swiss people that a change was bound to come, that they already fell to quarrelling over the form which the next constitution was to assume. Two great parties arose, the Federalists and the Centralists, representing respectively the principles of States rights and of centralization. In point of fact, every federated state, from its very nature, must at all times contain parties advocating these opposite tendencies. It is only in moments of great national excitement, however, that they take up bitterly antagonistic positions. A great political crisis was at hand in Switzerland. The general dissatisfaction with the Helvetic constitution may be inferred from the fact that between the 30th of April, 1801, and the 28th of April, 1802, *e. g.*, in one year only, no less than four drafts of constitutions were proposed or promulgated.

When finally the French troops left Swiss soil, in July and

August of 1802, the people everywhere arose to restore the old order of things. There were armed conflicts in Unterwalden, in Zürich, and in Aargau, between the insurgents and the Helvetic forces, in which the former were uniformly successful. Bern itself surrendered to a poorly equipped and disorganized mob of peasants. The members of the Helvetic government fled to Lausanne, while an old-time Diet of the Confederated States was held in Schwiz, under the direction of Aloïs Reding. A victorious army of the Confederates then marched upon Lausanne. The cause of the Helvetic Republic seemed indeed lost, and the restoration of the ancient Confederation assured, when suddenly both sides laid down their arms and disbanded, as though struck by a magic wand.

It appears that a plenipotentiary had unexpectedly arrived in Lausanne, from Paris, bearing an offer of mediation from Napoleon himself, now enjoying the title of First Consul. The Swiss people were invited to send delegates to consult with him, regarding a new constitution, which should establish the political status of the country upon a sure basis.

In his proclamation, Napoleon expressed himself with brutal and characteristic frankness, concerning Switzerland's helpless condition :

"You have been presenting a sad spectacle for the last two years ; opposing factions have one after the other seized the supreme power, they have marked their temporary rule with partisan systems which afforded proof of their unfitness and weakness.

"In the course of the tenth year [1799], your government desired to have withdrawn the small number of French troops which were in Helvetia. The French government willingly took this occasion to honor your independence ; but soon after your parties set themselves in motion with renewed fury ; Swiss blood has been shed by Swiss hands.

"You have quarreled amongst yourselves for three years, without arriving at an understanding. If you are left any longer to your own devices, you will slay yourselves for

another three years, and then be no better off. Your history also proves that your internal wars cannot be ended except through the efficacious intervention of France.

"It is true, I had resolved not to interfere again in your affairs. I saw your government constantly asking my advice, and then not following it, and several times misusing my name, according to their interests and passions.

"But I cannot, I must not, remain impassive under the misfortune to which you are a prey. I withdraw my resolution; I will be the mediator in your quarrel, and my mediation shall be efficacious, as is worthy of the great nation in whose name I speak."

There is true Napoleonic assurance in these words. The Consul does not mince matters, but boldly asserts his right to dictate to the Swiss, while, at the same time, he ingeniously places them under an obligation to him for exerting this right. After stating certain preliminary conditions and issuing unmistakable commands, Napoleon closed his proclamation with an invocation, full of Gallic bombast and noisome cant:

"Inhabitants of Helvetia! Hope again!!!—Your native country is on the edge of a precipice; it shall be instantly withdrawn from it.

"Every sensible man must be persuaded that the mediation which I am accepting, is, for Helvetia, a kindness of that Providence, which has always watched over the existence and independence of your nation, amid so many subversions and shocks, and that this mediation is the only means which remains open to you of preserving the one or the other."[1]

In obedience to this proclamation, some sixty Swiss emissaries arrived in Paris, in the month of December, forming a *Consulta*, to draw up a new constitution. On the 10th of that month, Napoleon sent them a writing, setting forth the points to be deliberated upon, and indicating clearly what he insisted upon their fulfilling. On the 12th, he addressed a committee from their midst, in the castle of St. Cloud. On this occasion, the

[1] Oechsli, W. Quellenbuch. p. 470–471.

First Consul displayed so accurate a knowledge of the internal affairs of Switzerland, and showed so marvelous an appreciation of its needs, that his hearers were dumfounded. In fact, never have the peculiar problems of that country been explained with more unfailing penetration. If the manner of the address was calculated to wound the pride of the Swiss emissaries, the advice which was given, was sound and to the point.

"The more I thought over the nature of your country," said Napoleon, "the stronger became my conviction that it was impossible to subject it to any uniform system on account of the diversity of its component parts; everything drives you to federalism.

"Switzerland can no longer play an important part amongst the states of Europe, as in the days when no great neighbors stood beside her, when France was divided into sixty principalities, Italy into forty.

"You need rest, independence, and a neutrality acknowledged by all the powers surrounding you.

"I speak to you, as though I were myself a Swiss; the principle of federation is uncommonly advantageous for small states. I, myself, am born a mountaineer; and I know the spirit which springs from this."[1]

Such language carried conviction, or at least silenced opposition. From first to last, the emissaries were made to understand that their services were more honorary than required, that Napoleon's ideas would triumph in the end, whether they acceded or not. Their humiliation was great, but neither Federalists nor Centralists dared object, and on the 19th of February, the Act of Mediation was formally signed, and became the organic law of Switzerland.

In truth, this new constitution was a clever compromise between the extreme demands of the Federalists and the Centralists. It restored the sovereignty of the Cantons, but maintained a central government; it granted the Cantons all the powers which were not expressly attributed to the Federal

[1] Oechsli, W. Quellenbuch. p. 472–473.

authorities, but reinstated the old Diet, with enlarged functions; and it, therefore, contained the constitutions of all the nineteen Cantons which then composed the Confederation, as well as that of the Confederation itself.

The contributions of the several Cantons in men and money were carefully enumerated. Import tariffs were left to be managed by the Cantons, but the Diet determined the uniform character of coinage. Six Cantons were also selected from the rest: Fribourg, Bern, Solothurn, Basel, Zürich, and Luzern, to be Directorial Cantons or *Vororte*. The Diet was to be held in each, in annual rotation; and the Schultheiss, or Bürgermeister, of each capital became in turn President of the Confederation, with the title of Landammann of Switzerland. Each Canton sent one representative to the Diet, with prepared instructions, but the Cantons possessing more than one hundred thousand inhabitants had two votes, an attempt being thus made to give the element of population due consideration.[1]

On the whole, the Act of Mediation must be considered a vast improvement over the Helvetic Constitution. As an attempt to reconcile the opposing parties it was practically successful, and gave the country comparative immunity from political broils. At the same time, one misses those magnificent utterances on popular rights contained in the Helvetic Constitution, and one is shocked at the almost royal attributes assigned to the Swiss Landammann. It was evident that a suitable stop-gap had been found, but that a permanent solution of the difficulties in which the country was plunged yet remained to be discovered.

At all events, Switzerland experienced quite a revival of the arts and sciences under the benign influence of peace. Culture, which had been rudely pushed aside by war, was able to reassert itself. Several writers graced the somewhat barren fields of Swiss belles-lettres, historical writing flourished, scientists explored the wonders of the Alpine world, and great engineering works were inaugurated. All this time, however,

[1] Oechsli, W. Quellenbuch, p. 474–478.

Switzerland was treated as a vassal by France. Napoleon, now proclaimed Emperor, insulted and browbeat her statesmen, violated her neutrality, which he conceived to be a fiction to be used for his own purposes, and did not hesitate to issue direct commands to the Diet. He had now developed into a general European bully. It was not likely, therefore, that he would spare a small, defenceless country like Switzerland, whose territory possessed the utmost value from a strategic point of view.

The culmination of Napoleon's contempt for established rights was reached, when, on Nov. 15th, 1810, he issued a decree, incorporating the Valais into the French Empire, with the name of the Department du Simplon, on the plea that the possession of the Simplon route was necessary to France and Italy, that eighteen million francs had been spent upon the road, by the French, and that anarchy reigned supreme in that country. At another time, the whole Swiss people would have risen in arms to resist this spoliation, now they contented themselves with unavailing protests. Their abasement was complete. They were even obliged to submit helplessly to the sufferings inflicted upon them by Napoleon's insane Continental blockade against British trade.

But the hour of deliverance was at hand. After the tyrant's retreat from Russia, came the great war of liberation, and then the Congress of Vienna, which secured Switzerland once more an independent position amongst the European powers.

CHAPTER VI.

THE PERIOD OF REACTIONARY RESTORATION.

IT was at this point, when the lowest degree in the scale had been reached, that the signatory powers at the Congress at Vienna, on the 20th of March, 1815, announced their intention of drawing up an act which should guarantee the perpetual neutrality of Switzerland. On the 27th of May, the Swiss Diet accepted this offer, but there was a delay of several months before the pledge given by the powers was fulfilled; for the great struggle at Waterloo, which took place in the meantime, overshadowed every other phase of the European situation. Finally, on the 20th of November, the document, which was to exert so potent an influence upon the destinies of the Swiss people, was approved by the Congress. "The signatory powers of the declaration made at Vienna on the 20th of March," says the text, "by the present act make a formal and authentic acknowledgment of the perpetual neutrality of Switzerland, and they guarantee to her the integrity and inviolability of her territory within her new boundaries." This agreement is further on declared to be "in the true interests of the politics of all Europe." [1]

If any one should be tempted to say that even these solemn promises were insufficient to establish the neutrality of Switzerland upon an unquestioned legal basis, surely the array of great names appended to this document ought to remove all doubts. Amongst them there was Metternich, for Austria;

[1] Hilty. La Neutralité de la Suisse. Pamphlet, p. 61–62.

Richelieu, for France; Wellington, for England; Humboldt, for Prussia; and Capo d'Istria, for Russia. It would be a strange forgetfulness of the past which could make the powers declare null and void an act signed by historic names such as these. The person who actually prepared the text was the Swiss representative at the Congress, Charles Pictet de Rochemont, a Genevese; the task having been first assigned to Stratford Canning, who preferred to leave it to Pictet.

There was no condition appended to this declaration of neutrality beyond the natural one that the Swiss Diet should agree to the terms of the proposed transaction, a duty which that body promptly performed. At least one of these accepted terms deserves to be noticed, on account of the negotiations to which it has since given rise, and the dangers to European peace with which it is still fraught. This so-called "question of Savoy" resulted from a compromise effected at this time among the conflicting interests of France, Switzerland, and the king of Sardinia. During the discussions of the Congress, it was proposed, and very properly, to give Switzerland the whole of the geographical basin between the Jura and the Alps, in order that she might have a natural and logical frontier; but, instead of this simple solution of the difficulty, the representatives at the Congress ended by setting up a complicated and irrational system of apportionment; France was allowed to retain parts of this basin, and a zone was created in northern Savoy, which should be included in the neutrality of Switzerland, "in the same manner as though it belonged to her."[1]

The events which had led up to this epoch-making declaration of perpetual neutrality were somewhat complicated, for Switzerland reflected every phase of the struggle going on about her frontiers.

As early as Nov. 15th, 1813, the Diet had proclaimed the neutrality of the country, and, in a half-hearted manner, even made preparations to defend it against all comers. But when

[1] Hilty. La Neutralité de la Suisse, p. 62.

the allies, in the course of the war of liberation, desired to use Switzerland for a flank movement upon the French, the Swiss army retreated from the frontier, and allowed 130,000 Austrians to pass through, leaving in their track starvation and disease. In the meantime, all the reactionary elements were preparing to side openly with the allies, to overthrow the existing order, and to plunge Switzerland back into feudal times. They were sustained in their efforts by a certain Saxon, Count von Senfft-Pilsach, an agent of Metternich, who had familiarized himself with Swiss politics by a residence of several months in the country. In fact, the only leader amongst the allies, who opposed these subversive designs of the great Austrian diplomat, was the then liberal Czar of Russia, Alexander I. He had had as tutor in his youth Frederic Cæsar La Harpe, the patriot of the Helvetic Revolution, and his sympathies for Switzerland had thereby always been kept active.

On the 22d of December, 1813, Bern, now once more controlled by the old patrician element, declared the Act of Mediation null and void, as far as she was concerned, and reinstated the surviving members of the old Council who had served before the Helvetic Revolution. She even attempted once more to rule over the Cantons of Vaud and Aargau as subject lands. A week later, the Swiss Diet also denounced the Act of Mediation. The work of driving out the new and letting in the old, thereafter began in earnest. Of course the usual party rivalries and recriminations did not fail to make their appearance. But after the country had several times seemed on the verge of civil war, and the famous Long Diet had been in session from the 29th of December, 1813, to the 31st of August, 1815, a year and eight months, the twenty-two States composing the Confederation, on the 7th of August, 1815, signed a *Bundesvertrag*, or a Federal Pact.[1]

As the name implies, the agreement thus concluded was not a constitution, in the proper sense of the word, although it served that purpose, but was, in reality, a sort of bargain

[1] Oechsli, W. Quellenbuch. p. 487.

effected by independent sovereign states. Valais, Geneva, and Neuchatel were now admitted as equal members, the last two for the first time. Moreover, all efforts of the old States to reduce their former subject lands into submission failed utterly, for the free spirit of the French revolution had not passed over the land altogether in vain.

As for the rest, the Pact brought into being a loose, disjointed Confederation. It was not devoid of certain merits. As in the Act of Mediation, the contributions of the various Cantons in men and money were carefully regulated; a Federal board of arbitration was established to settle internal difficulties; the Diet was entrusted with a few new functions, but unfortunately not given the necessary powers to enforce its acts; and all the representatives were once more limited to one vote apiece, whatever the size of their Cantons. Zürich, Bern, and Luzern remained *Vororte*, in rotation every two years, but the ill-suited office of Landammann of Switzerland was deservedly abolished. Amongst the least commendable provisions was the one guaranteeing the maintenance of monasteries and chapters within the Confederation, thus pledging the Federal government to interfere in local, Cantonal affairs, and paving the way for a religious question which eventually, in 1848, produced civil war. It is also interesting to notice that the Federal war chest was to be kept filled by the proceeds from customs duties on imports, this affording another illustration of the fact that war, or the fear of war, and high tariffs almost always go hand in hand, reacting upon each other and intensifying each others' effects. Finally, one is gratified to read that no subject lands and no privileged political classes would be tolerated hereafter, an enunciation which still savors of the refreshing radicalism of the Revolutionary period.

Thus did Switzerland, after many vicissitudes, relapse into an era of reaction. It was but natural, after the brusque introduction of sweeping changes had spent itself, after the friction of new ideas, constantly clashing with the old, had

produced fatigue, that the country should long for rest. Hence the period from 1815–1830, while it was marked by a strange disregard of all the great political principles which the French revolution had brought into the world, was, at the same time, valuable to Switzerland as a breathing spell, as a time of repose and recuperation.

The centre of gravity, as it were, was again, as in pre-revolutionary days, shifted from the central government to the Cantons. The whole formed a loose Confederation, with only an ill-defined, latent national sentiment to hold it together. As there was no foreign enemy to evoke the spirit of unity, a centrifugal force whirled the Cantons apart. They amended their constitution on reactionary lines, displaying the greatest fear of all innovations in popular rights. The censorship of the press was reinstated; the Jesuits were permitted to carry on diplomatic intrigues with the local governments; and the mercenary system flourished once more without let or hinderance, Swiss soldiers in great numbers seeking service in Holland, France, and with the Pope. After all, these reactionary tendencies were not confined to Switzerland, but were characteristic of the whole of Europe after the fall of Napoleon, resulting from the discredit which had been thrown upon the principles of the French Revolution. In fact, the little Confederation became a place of refuge for many political fugitives from neighboring countries, notably from Germany, where the restored monarchs filled the prisons with discontented subjects.

But even during these years of apparent stagnation, forces were at work which were destined to reawaken a spirit of individual liberty, and by a slow, and in the main peaceful evolution, to convert the Confederation into a closely knitted union of real democracies. A number of societies contributed most effectually to this end, principally the patriotic student association of Zofingen, so-called from the place where its first gathering was held. It proved a worthy successor to the famous Helvetic Society of pre-revolutionary times. Numerous gym-

nastic and singing societies also furthered the national aspirations, as well as the annual Federal Shooting Match (*Schützenfest*), which was now first instituted.

Thus did the slumbering spirit of liberty revive and herald the advent of better things.

CHAPTER VII.

DEMOCRATIC REFORMS IN THE CANTONS.

IT was a French revolution which, in 1798, caused the old Swiss Confederation to collapse, and it was another French revolution which, in 1830, gave the signal for political regeneration in Switzerland on democratic lines. From her very position Switzerland has always been particularly sensitive to the tendencies manifesting themselves about her, reflecting in her long career every phase of European history. It was only natural, therefore, that she should feel the exhilaration of new aspirations, when the reactionary cloud, which had brooded over Europe, began to lift, as the breeze of liberty blew fresh from the streets of Paris.

In true Teutonic fashion the people came together in open-air assemblies, to formulate their demands for further rights, and, when necessary, to make arrangements for enforcing them. It was a magnificent movement, bearing a striking likeness to the revival of political thought amongst the farmers of the United States in the Grange and the Alliance. There were the same wrongs of special privilege to redress, the same organized oppression from the middle class, living as non-producers on their interest, and the same political tyranny of the politicians to break. In Switzerland, however, the struggle had first to be directed against the reactionary, almost feudal administrations in the various Cantons, and was not carried on so much against plutocracy, as the industrial uprising of recent years in the United States has been conducted.

The first of these patriotic meetings of protest against the aristocratic governments, was held in the Canton of Thurgau

on the 22d of October, 1830. A petition for the revision of the constitution was drawn up, and pressed upon the authorities with so much vigor, that the desired changes were soon after carried into effect. An assembly, held at Uster, in the Canton of Zürich, likewise sent a memorial to the government with clearly expressed demands. The form of address to the authorities, which had become compulsory during the period of reaction, shows in what abject submission the people were held.

"Right Honorable, Highly esteemed, Squire Bürgermeister! Highly esteemed, Highly honored Sirs and Masters!" Then followed a list of desired reforms. Amongst them was a new electoral system with fair representation; the constitution was to be declared valid only after it had been sanctioned by the people voting in popular assemblies; a demand was made for freedom of the press; for publicity of the sessions and minutes of the Cantonal Council; the right of petition; also a reduction of specified taxes; the introduction of a general income tax, and the improvement of the schools.[1]

It will be seen that the patriots clamored for some of the most elementary rights of freemen, as well as for other reforms of more modern aspect. The people in other Cantons, encouraged by this example, met to bring pressure upon their governments, and, by the middle of December, nine Cantons had revised their constitutions in a liberal sense. In general, these popular proceedings were dignified and peaceful, such disturbances as did occur being due to an insane attempt of the authorities to resist the express will of the people. Thus amid intense excitement the fateful year of 1830 passed, and left Switzerland already half regenerated. During the next year, however, there were serious conflicts in the Cantons of Basel, Schwiz, and Neuchatel. The first was eventually divided into Baselstadt and Baselland, two half Cantons which have remained apart ever since. In Schwiz, the difficulties were patched up after several failures, and in Neuchatel the

[1] Oechsli, W. Quellenbuch. p. 490.

situation was further complicated by the fact that the Canton occupied the abnormal, paradoxical position of being a Prussian principality and a member of the Swiss Confederation at the same time.

Of course these local changes could not fail to influence the Federal government. There were loud cries for a revision of the Federal constitution, and several attempts were, in fact, made by the Liberal representatives. But in every case they were checkmated by the opposing Conservatives, who viewed with dismay the steady growth of radical doctrines. The Diet declared that it could not guarantee the maintenance of special Cantonal constitutions.

Thereupon, on the 17th of March, 1832, seven Cantons: Luzern, Zürich, Solothurn, St. Gallen, Aargau, and Thurgau, agreed to a concordat, known as the *Siebnerkonkordat.*[1] The object of this unfortunate union was to guarantee the maintenance of the constitutions of the contracting parties, which task the Diet was unable to perform. Although admission was left open to all the other Cantons, as a matter of fact none of them joined, and the movement, therefore, remained one of secession.

It was a fatal step to take, and a dangerous precedent to set. It opened the way for other separatist changes in the future; it created a wheel within a wheel. By Nov. 14th, five conservative Cantons withdrew from participation in the Federal Diet: Uri, Schwiz, Unterwalden, Baselstadt, Neuchatel, and Valais. They united in a League of Sarnen, and so the division of the Swiss Confederation into two hostile, bitterly antagonistic, minor Confederations was complete. An ominous state of affairs, calculated to make every patriot tremble for the result, and full of awful possibilities, since the two Confederations could be at any moment converted into two camps.

Both sides were at fault, and yet it is difficult, at this day, to pronounce unconditionally against their actions, representing,

[1] Oechsli, W. Quellenbuch, p. 495.

as they did, opposite and apparently irreconcilable tendencies. The Liberals sought above all to make sure of the gains they had made in a radical sense; the Conservatives found themselves out of place in a Diet which was always held in a *Vorort* belonging to the faction of the *Siebnerkonkordat.* One means of reconciliation alone remained, and that was a revision of the Federal Constitution, which should remedy these just grievances. But in the midst of prevailing dissensions the attempt to carry any revision to a successful issue, fell perfectly flat; the draft of a revised constitution was overwhelmingly rejected by the people. When, however, the Cantons of Basel and Schwiz again became the scenes of dangerous disturbances, the Federal authorities resolved to intervene in the interest of peace. They put an army into the field to quell the uprising, dissolved the League of Sarnen, and compelled the refractory states to send representatives to the Diet. Quiet was thus momentarily re-established.

But a new danger did not fail to show itself soon after. Heretofore the Swiss Confederation had been divided on purely political questions; the situation was now to become further complicated by religious issues, always the most bitterly contested and the most difficult to allay.

There was first the incident of Strauss, the famous free-thinker, in Zürich. In 1839, the authorities of that city called Dr. D. F. Strauss from Tübingen to the chair of dogmatic theology, in the newly formed university of Zürich. It was purposed thereby to start a great religious reform movement to keep pace with the political regeneration of the times, but a storm of indignation rose from all parts of the Canton to protest against this violation of the Christian faith, as it was called. In a circular, issued by a Committee of Faith, the call of Strauss was declared to be "so convulsing an event for the great majority of the inhabitants of the Canton of Zürich, that all minds saw themselves filled with horror as though smitten by an electric stroke."[1] The instant dismissal of the free-

[1] Oechsli. W. Quellenbuch. p. 498.

thinker was demanded, and the appointment of a true believer in his place. In the end Strauss was asked to resign, and a life annuity awarded him, but the sensation created by this incident was tremendous. It was felt throughout the Confederation, and only served to alienate still more the conservative Cantons from the radical ones.

An occurrence of still greater gravity was the action of the authorities of Aargau, in decreeing the abolition of all monasteries and nunneries within their Canton. It was a spark which set the whole country ablaze. Protests came from every quarter; not only from the conservative Cantons, but also from the Papal Nuncio, and even from the emperor of Austria, whose ancestors had founded Muri, one of the monasteries in question. The difficulty was temporarily compromised by limiting the decree of abolition to the monasteries, leaving the nunneries in existence. In this a majority of the Diet supported Aargau.

It was not to be a permanent solution, however, for, in 1843, a new grouping of States took place as a result of this religious question. Luzern, Uri, Schwiz, Unterwalden, Zug, Fribourg, and Valais held a conference[1] in Luzern to discuss the dangers which threatened the Catholic religion, thus laying the foundation for the so-called *Sonderbund.* In 1844, the Canton of Luzern called the Jesuits to take charge of educational matters. This act was immediately followed by an armed raid of radical volunteers from other Cantons upon the city, acting in conjunction with their friends within. It was the first so-called *Freischaarenzug*, and proved a complete failure, as did also a second raid against Luzern in the following year.

Finally, in December, 1845, the seven Cantons, mentioned above, signed an Act of Secession,[2] in which they pledged each other support against attacks upon their sovereign and territorial rights. At the same time they appointed a Council of War, with extended powers.

[1] Oechsli, W. Quellenbuch. p. 500.

[2] Ibid. p. 504.

From that moment civil war seemed inevitable, although it was slow in coming. In 1847, the Diet ordered the expulsion of the Jesuits from Swiss soil. Soon after, it called upon the *Sonderbund* to disband, passed a resolution to execute its command by force of arms, and elected Henry Dufour Commander-in-Chief, a Genevese soldier of great experience, trained in the school of war of the first Napoleon.

At the last, serious efforts were made to allay the bitter feeling which animated the two sides, by holding conferences. All in vain, for Unionists and Secessionists showed themselves irreconcilable, and a resort to arms had become necessary.

When all hope of peace had vanished, the *Sonderbund* went so far as to appeal to Austria for help. It seemed almost like the old time of the Zürich War. A few days after, Dufour issued an order to the Union army, which deserves to be remembered for its noble, humanitarian tone. It doubtless had much to do with the great forbearance shown by the victorious troops in the ensuing conflict. "You will advance into the Canton of Luzern," he said, "As you cross the boundary leave your anger behind, and think only of fulfilling the duties your native country imposes upon you. Attack the enemy boldly, fight bravely, and stand by your flag to the last drop of blood! But as soon as victory is decided in our favor, forget every feeling of revenge; act like generous soldiers, for you will thus prove your real courage. Under all circumstances, do what I have already often commanded you; respect the churches and all buildings consecrated to divine service! Nothing will disgrace your flag more than insults to religion. Take all the defenceless under your protection; do not allow them to be insulted or maltreated. Do not destroy anything unnecessarily; waste nothing; in a word, conduct yourselves in such a manner as to win respect, and to show yourselves worthy of the name you bear."[1]

Animated by this spirit, the Unionist forces entered into the conflict.

[1] Oechsli, W. Quellenbuch, p. 509.

CHAPTER VIII.

THE WAR OF THE SONDERBUND AND THE CONSTITUTION OF 1848.

THERE is a marked likeness between the crisis through which Switzerland passed in 1847 and our own American Civil War, of 1861–1864. The special points of resemblance will be noticed in detail, after a description has been given of the course of events in the Swiss Confederation; suffice it to say here that not only were the experiences of both countries in their supreme struggle against secession very much the same, but they were also productive of almost identical political results.

As to the resources of the two sides in Switzerland, there was a very decided disparity between them. Twelve and a half Cantons joined the Federal cause, only seven that of the Sonderbund, while one and two half Cantons remained neutral, Neuchatel, Appenzell (Inner Rhoden) and Baselstadt. The Federalists mustered over 98,000 strong, but the Secessionists only a little over 37,000, or, counting in the poorly organized reserve (*Landsturm*), about 85,000. In equipment and discipline the advantage was also decidedly on the Union side. The seceded states, moreover, formed a difficult piece of territory to defend; the centre, composed of the Forest Cantons, was a strong position, but Fribourg was absolutely isolated, and Valais connected with the rest only by high Alpine passes. If the Secessionists could be said to have any element of success in their midst, it was the strength derived from religious fanaticism — of that they possessed great abundance. For this reason it is, perhaps, strange that

the commander-in-chief on the side of the Sonderbund, Salis-Soglio, should have been a Protestant. He was, however, an experienced soldier, who had received his schooling, like Dufour, during the Napoleonic wars.

The first act of the war was a sudden and momentarily successful invasion of Ticino by the Secessionist leader, Siegwart-Müller. Like the firing on Sumpter in our own rebellion, it roused the whole country to a sense of the necessity for immediate action.

Dufour adopted the plan of completely surrounding the enemy by a system of extended detachments. He then marched with 20,000 men upon Fribourg, to strike an immediate blow where the Sonderbund was weakest. The city surrendered to superior numbers after very little resistance, and the Union cause was able, from the very outset, to enjoy the military and moral advantage of a decided victory. This task accomplished, Dufour directed his divisions to concentrate upon Luzern, determined to crush the rebellion at its centre.

The Secessionists had already been partly successful in a number of skirmishes with his troops, stationed in the Aargau; the order to advance, therefore, came none too soon. On the 21st of November, Zug capitulated. On the 23d, Dufour ordered two divisions to march upon Luzern — one along the Reuss, by Honau and Gislikon, and the other from Zug, by way of Meyerskappel. The first division encountered determined opposition at Gislikon, where the only real battle of the Sonderbund War was fought. The enemy were strongly posted in the village and on the heights which rise behind it, so that their well-directed artillery fire could check the advance of the Federalists for some time, and, in fact, very nearly put them to flight. But with reinforcements the latter broke all resistance, and drove the enemy upon Luzern. In the meantime, the second division had made its way, fighting steadily, along the pre-arranged route, so that by nightfall the two Federal divisions were masters of the situa-

tion. They could have proceeded immediately to attack the city, but preferred to wait until they had made their own connections more secure.

Next day Luzern surrendered without fighting. The Secessionist leaders had fled to Fluelen by steamboat, leaving utter confusion behind them. Organized resistance seemed out of the question, and, in fact, the entry of the Federal troops was not unwelcome to a good part of the population. Of the other operations of the war, now practically decided, it need only be said that they were insignificant, and uniformly turned to the advantage of the Federal cause. Soon after, Unterwalden surrendered, then Schwiz and Uri, and, on the 29th of November, Valais, so that the war was finished by a campaign of not quite twenty days. In the whole struggle there were only seventy-eight dead and two hundred and sixty wounded to deplore. It was, therefore, a singularly bloodless affair, showing Dufour's careful manœuvring and masterly massing of troops where their presence would do the most work.

As the conduct of the campaign had been expeditious, so the feeling of hostility between the two sides was soon allayed. The conquered Cantons were fined the costs of war; but when they had paid less than half the stipulated sum, the balance was remitted to them in a brotherly spirit of forgiveness. It may be stated as a fact that there is to-day not a particle of sore feeling in Switzerland between the old antagonists of the Sonderbund War. Both the singular generosity of the victors and the rise of new political issues have long ago diverted public attention into new channels. There was no waving of the bloody shirt in Switzerland. Neuchatel, Appenzell, and Inner Rhoden were heavily fined for not having taken part on the Federalist side. By a sort of poetic justice the fund thus obtained was used for pensioning the Federalist wounded and the widows and orphans of the slain. The Secessionist Cantons were, of course, subjected to a short military occupation until they were sufficiently

reconstructed to manage their own affairs, but then Switzerland's crisis was over, and an era of reforms was inaugurated, which led inevitably to a revision of the Federal constitution in a liberal sense.

Meanwhile the situation had just escaped from being complicated by foreign interference, for, on the 30th of Nov., when hostilities were practically over, the French ambassador presented a collective note to the President of the Federal Diet and to the Sonderbund Council of War, in the name of his own government, and of Austria, Great Britian, Prussia, and Russia, offering to mediate between the two sides. As preliminary conditions to this mediation the Sonderbund Cantons were to ask the Pope's advice concerning the question of the Jesuits, and were to give up their separate league; the Diet must promise to protect the Cantons exposed to *Freischaarenzüge*, and to adopt no new articles into the constitution, which were not approved by all the members of the Confederation. On the 7th of Dec., the Diet answered, rejecting the proffered offer, on the ground that the civil war was already decided in its favor; that the proposed conditions were not consistent with Switzerland's position, as defined by European treaties; and that the security of neighboring states was in nowise endangered. This bold stand of the Federal authorities had its effect. Great Britain, which seems to have been an unwilling participator in this foreign interference, withdrew from further attempts at coercion, and when Austria sent another note in the interest of the conquered Cantons, the Diet answered with great firmness and dignity, insisting upon the complete independence of Switzerland from all foreign influence. With that the diplomatic incident was closed.[1]

Of course this war of the Sonderbund can only be said to resemble our own civil war in miniature, for the forces engaged, the territory covered, the loss of life and property, and the duration of the contest in Switzerland were comparatively insignificant. One misses the terrific battles, the long marches,

[1] Oechsli, W. Quellenbuch, p. 513–523.

and the feats of endurance which characterized the American war. At the same time, it must be remembered that it is not the number of troops engaged, or of the men slain, which makes a war notable in history or otherwise, it is the issue at stake in the conflict. In this respect, the likeness between the wars of the two countries is remarkable. The fundamental issue in both cases was a political one. It was that of Federal union versus extreme states rights, of centralization as opposed to decentralization, but in both cases a deep-seated evil came to complicate the situation and embitter the two sides. In Switzerland there was the question of the Jesuits, and in the United States the institution of slavery.

The parallel may be extended to other details, *e. g.*, the party of Secession was recruited in both countries from that element which was least affected by progressive ideas, was most remote from the great centres, and mainly agricultural and pastoral. Even the disproportion between the resources of the two sides serves to carry out the likeness between the Sonderbund and the American war. The *Freischaaren* raids, which preceded the struggle in Switzerland, were like the armed emigrations to Kansas and the attack of John Brown on Harper's Ferry. So also did the neutral Cantons in the Swiss conflict resemble our own doubtful States.

Not to prolong this historical analogy to tedious length, let me pass on to the great and lasting results of the Sonderbund War in Switzerland. After the military struggle was over, a constitutional reform movement was inaugurated. It was generally acknowledged that the antiquated Federal Pact of 1815 must give way to a revised constitution, more in keeping with the needs of the Confederation. A committee was, therefore, chosen to draw up a complete draft of a new constitution, to be submitted to the people and the Cantons for final acceptance or rejection. If the framers of this document showed any hesitation at first in performing their task in a radical spirit, they were soon encouraged by the outbreak of the so-called February revolution of 1848, in Paris, which set all

Europe ablaze. Not only did that foreign triumph of democracy react upon the Swiss Liberals, but it also prevented the great powers who were threatened by internal difficulties, from interfering in the affairs of the reconstructed Confederation.

It is especially interesting for us Americans to know that the example of our own constitutional organization exerted a strong influence upon Swiss statesmen at this time. Our system of two legislative houses, one representing the states and another the people numerically, was the model from which the framers of the Swiss constitution of 1848 drew their inspiration for the Council of States and the National Council, in Switzerland. It was a case of deliberate and acknowledged imitation, urged by such men as the great Bluntschli himself and by Rüttiman, the author of a work[1] comparing Swiss and American politics.

In September, 1848, the new constitution was accepted by fifteen and a half Cantons as against seven, and by a majority of the voters. It was, therefore, declared to be in force. The minority submitted to the voice of the majority, and cheerfully acquiesced in the provisions of the new organic law.

As a careful translation of the whole of the constitution will be found in the Appendix, with amendments up to 1892, it will not be necessary here to enter into an examination of its many details. Switzerland was thereby converted from a loose confederation into a federal union, or, as the German constitutional writers delight to express themselves, from a *Staatenbund* into a *Bundesstaat*. The central government assumed control over all the foreign relations of the Cantons, and abolished the mercenary system, forbidding all military capitulations and foreign pensions and titles. It took charge of the customs, of the postal service, of coinage, weights and measures, and of the manufacture and sale of gunpowder. It divided responsibility with the Cantonal governments on

[1] Rüttiman. Das Nordamerikanische Bundesstaatsrecht verglichen mit den politischen Einrichtungen der Schweiz.

the matter of the national military and educational systems, and of public works and police. The Federal government also guaranteed certain fundamental popular rights, such as the equality of all citizens before the law, the right of free settlement anywhere on Swiss soil, freedom of faith, the liberty of the press, and the rights of assembly and petition.

Thus was the evolution from a mere aggregate of sovereign states into a compact Confederation at length complete. There has been steady growth on the same lines since 1848, tending toward increasing centralization; the Cantons have learned to sacrifice one prerogative after the other, the Federal government to absorb a multitude of new powers. How far this movement may go without converting Switzerland into a unitary state, remains to be seen, but of this we may be sure, as long as the inalienable rights of man, the birthright of the individual, remain unharmed and inviolate, the process of unification may go on apace without danger to the state. As soon as the work of centralization shall involve the curtailment of any of the fundamental liberties of the citizen, no matter how magnificent the apparent results or how attractive the momentary glamour, in that hour the decline of the nation will have begun.

CHAPTER IX.

RECENT CONSTITUTIONAL CHANGES IN THE CANTONS AND THE CONFEDERATION.

PERHAPS the most encouraging feature of modern Swiss statesmanship is that steady striving after a fuller recognition and practice of popular sovereignty, which has been expressed in the institutions of the Referendum and the Initiative. There is no movement in any other country, at present, which can be compared to this masterly and systematic reform on democratic lines. It is full of great possibilities. It has already fulfilled many of its earlier promises. It is rapidly converting the Swiss people into a nation governing itself upon an almost ideal plan, directly, logically, and without intermediaries.

The keynote to this reform is its directness. Whereas, in the United States the practice of direct government, such as it still exists in the Massachusetts Town Meeting and kindred bodies, tends yearly to become obsolete, in Switzerland it flourishes with renewed vigor. In fact, the parliamentary representative system has never taken very firm foothold in that country. It was a foreign imitation, and as such has always been viewed somewhat askance. The appearances are that it will be still more modified and limited in the future.

The first steps toward the introduction of this modern form of direct government in Switzerland were taken by the Canton of St. Gallen, in 1831. At that time there was granted to the people the right of veto over acts of the Cantonal Grand

Council. On the whole, this institution did not give entire satisfaction, but it paved the way admirably for the more radical Referendum and Initiative. The Canton of Vaud, in 1845, adopted both these latter institutions in a modified form, and, from that time on, the example has been followed by almost all the other members of the Confederation, and by the Federal government itself.

This term "Referendum" is part of the old formula, "*ad referendum et audiendum*," and means that laws and resolutions framed by the representatives must be submitted to the people for acceptance or rejection. A distinction is made between a compulsory and optional Referendum, *e.g.*, in some Cantons all laws must be submitted, in others only certain kinds or only those which are demanded by a certain number of voters.

As far as the historical genesis of the Referendum is concerned, it appeared in a rudimentary form as early as the sixteenth century in the Cantons of Graubünden and Valais, before those districts had become full-fledged members of the Swiss Confederation, and while they were still known as *Zugewandte Orte*, or Associated States. Delegates from their several communes met periodically, but were always obliged to *refer* their decisions to the communes themselves for final approval. In the same manner, the delegates from the various Cantons to the old Federal Diet used to refer their measures to their home governments before they became laws. To-day, every Canton, except priest-ridden, Ultramontane Fribourg, has either the compulsory or the optional Referendum incorporated into its constitution, and the central government in the Federal Constitution possesses the optional, *e.g.*, in the words of the text: "Federal laws as well as federal resolutions which are binding upon all, and which are not of such a nature that they must be despatched immediately, shall be laid before the people for acceptance or rejection, when this is demanded by 30,000 Swiss voters or by eight Cantons."[1]

Not satisfied, however, with passing judgment upon the

[1] Federal Constitution, Article 89.

laws made by their representatives, the people soon demanded the right of proposing measures themselves; this is the Initiative, or the right of any voter or body of voters to initiate proposals for the enactment of new laws, or for the alteration or abolition of existing laws. At present seventeen Cantons out of twenty-two have incorporated the Initiative into their constitutions. On the 7th of July, 1891, moreover, the Swiss people accepted an amendment to the Federal Constitution which introduces the same principle also into that document. Hereafter the right of the Initiative is applicable, "When 50,000 voters demand the enactment, abolition or alteration of special articles of the Federal Constitution."[1] It can only be a question of a few years, therefore, before all the Cantons of the Confederation are governed by the Referendum and Initiative.

Hereafter, Switzerland must become more than ever the standard bearer in all reforms which make for direct and efficient self-government, while we of the greater Republic must acknowledge with humiliation that we have been distanced in the race for pure politics.

This Swiss Referendum must not be confounded with the French *plebiscite*, and deserves none of the odium which attaches to that destructive institution. The latter is a temporary expedient, illegal and abnormal, used only at moments of great national excitement, when the popular vote has been carefully prepared and ascertained, by unscrupulous adventurers. The *plebiscite* has invariably proved itself to be a device invented by tyrants to entrap the people into giving assent to their usurpations, whereas the Referendum acts through regular channels, established by law, sanctioned by the people and, therefore, constitutional.

Nor must the right of the Initiative be considered as equivalent to the general privilege of petition, which is enjoyed by the inhabitants of every state which makes any pretentions whatever to political liberty. The latter is merely a request,

[1] Federal Constitution. Article 121.

addressed to the authorities in power, by a number of more or less irresponsible persons. The authorities may, or may not, take it into consideration, as they see fit. But the Initiative is a demand, made upon the government by a body of voters, to discuss a certain project, and to return it to the people for final acceptance or rejection. The authorities are obliged to take it into consideration, or to draw up a bill of their own, incorporating the same principle.

In Switzerland, therefore, the introduction into practical politics of any question which attracts public notice, can be accomplished in a simple and direct manner. While in this country we are confronted by the almost insurmountable difficulties connected with the election of representatives pledged to lay reform bills before the House, or are obliged to content ourselves with harmless petitions.

Now the Initiative is a necessary corollary of the Referendum. Both institutions are mediums for the expression of the popular will, but viewed from different standpoints. The Referendum is a passive force; it says merely "*aye*" or "*nay*" and is essentially judicial in character. The Initiative, on the other hand, is an active creative force; it supplies the progressive element in the process of legislation, while the Referendum acts as a critical, controlling check upon the adoption of laws. Taken together these two institutions form the most perfect contrivance, so far devised by a free people, for the conduct of self-government. They create a sort of political pendulum, which oscillates in a groove strictly marked by the constitution. They produce a steady see-saw of legislation, a continual to-and-fro movement, which carries certain expressions of the public will directly from the people to the legislature, and back again to the people for their verdict.

In the *Landsgemeinde* Cantons voters have always possessed the right to initiate proposals for legislation, and these proposals have always been submitted to the verdict of the assembled people, so that the Referendum and the Initiative may be said to have always existed in those Cantons. Practi-

cally, of course, the right of the Initiative has often been hedged in by more or less significant conditions. At the present time, the six Cantons and Half-Cantons, which still maintain their open-air assemblies, show considerable differences in this respect, but such limitations as are imposed are very slight, and do not interfere with a reasonable exercise of this right.

It will always remain the chief honor and glory of Swiss statesmanship to have discovered the solution of one of the great political problems of the ages: how to enable great masses of people to govern themselves directly. By means of the Referendum and the Initiative, this difficulty has been brilliantly overcome. The essence and vital principle of the popular assembly has been rescued from perishing miserably before the exigencies of modern life, and successfully grafted upon the representative system.

It has become somewhat of a commonplace assertion that politics in the United States have reached the lowest stage to which they may safely go. There seems to be no longer any necessity to prove this proposition, for the general conviction has gone abroad, amply justified by the whole course of history, that no democracy can hope to withstand the corrupting influences now at work in our midst, unless certain radical reforms are carried to a successful conclusion. Our calm American complacency seems, at length, to have received a shock; our habitual optimism to have given place to a feeling of apprehension, lest the malignant forces, now uppermost in our national life, may not, after all, prove too strong for us; and a corresponding desire is being manifested to set in motion other benign forces, which shall save the state from destruction while there is yet time.

Unfortunately all attempts to probe the fundamental, first causes of our corruption are checked at the outset, by the difficulty of bringing the popular will to bear upon public questions. Our whole administrative system, and all the methods by which the people are supposed to make known their desires

are perverted and diseased, so that the sovereign body are prevented by mere tricksters from exerting their legitimate control over the making of the laws which are to govern them. We are suffering, not only from deep-seated economic and social diseases, of which, perhaps, the most alarming symptom is the concentration of wealth into the hands of a few, but from the rule of the Boss, and from the lamentable fact that the people at large are divorced from legislation. As a matter of fact, nothing stands between us and the tyranny of Municipal, State, and Federal bosses, as unscrupulous as any feudal lordlings in the thirteenth century, except public opinion, imperfectly expressed by the press.

In so far as modern parliamentary systems have set up barriers between the people and legislation, they have departed from their real function, which is to take the propositions emanating from the people, and, having examined and adjusted them to suit the peculiar requirements of the case, then to return them to the people for acceptance or rejection.

In the light of these facts, the question of the hour resolves itself into this: How best to bring our representative system into conformity with the principle of popular sovereignty.

As for the introduction of the Referendum and the Initiative into the United States, there are, in reality, no insurmountable obstacles to bar the way. Those who are interested in this question cannot do better than read what has been written by Mr. J. M. Vincent in his recent work on "State and Federal Government in Switzerland." The author is one of the few Americans who understand Swiss political institutions, and realize the tremendous possibilities which they unfold. The suggestions offered by Mr. Vincent are timely and deserve careful attention.

In point of fact, the combination of the Referendum and the Initiative is fatal to the lobby. Under its beneficent influence politics cease to be a trade; for the power of the politicians is curtailed and there is no money in the business. No chance is offered of devising deals and little give-and-take

schemes, when everything has to pass before the scrutinizing gaze of the tax payers. Moreover, second Houses, such as our Senate, tend to become superfluous, and if the Referendum were thoroughly applied would doubtless be abolished altogether. The people constitute a second House in which every bill must find its final verdict.

Democracies have been justly reproached for the fact that their political offices are not always filled by men of recognized ability and unstained honor; that the best talent of the nation, after a while, yields the political field to adventurers. This is not the case in Switzerland, under the purifying working of the Referendum and Initiative. Nowhere in the world are government places occupied by men so well fitted for the work to be performed. These institutions strike a blow at party government in the narrow sense, in the sense in which offices are distributed only to party workers, irrespective of capacity for peculiar duties, — party government which produces an opposition whose business it is to oppose, never to co-operate. It would also modify our whole representative system, which now practically endows the elected legislators with sovereign attributes. For these systems the Referendum and the Initiative substitute a government based upon business principles, displaying ability and stability, simplicity and economy.

Besides these purely practical gains there are recommendations on the score of ethics which deserve to be noticed. Consider the educational effect of institutions which obliges every voter to investigate and pass judgment upon bills submitted to him. How much more likely it is under such circumstances that legislation will be treated on its merits, and not with a view toward keeping a certain party or certain persons in power. We have, in recent years, had a striking proof of the extraordinary educational influence of presidential campaigns in calling attention to the absurdities of our protective tariff. How much greater must be the results of a series of such campaigns, turning in succession upon all the subjects

with which a good citizen should be familiar. Then think of how the Referendum and the Initiative invest the individual voter with a new dignity, and how they add to the collective sovereign people the majesty of final appeal, of which our representative system, as at present constituted, practically deprives them.

In the eyes of some people it will undoubtedly seem an objection to the Referendum that it seriously curtails the powers of legislatures. But when we remember that the people of several of our States have already found it necessary to do this by special enactments, and when we stop to imagine for one moment the mass of legislation, often contradictory and inconsistent, and generally useless if not absolutely harmful, which is being piled up in the legislatures of the various States and of the Federal government, it will be seen, at a glance, what a boon the Referendum in reality might become; how valuable, nay, how providential a check it might be upon this reckless, regardless, wholesale rush of legislation! To-day reform lies in the direction of repeal rather than of further laws, of liberty rather than restriction.

Those who have no faith in the principles which underlie all genuine democracies, in the equality and brotherhood of man, and in his natural rights; who fear the people as an unreasoning beast which must be controlled; and therefore look to reform by means of artificial laws rather than by those of Nature—such men will naturally dread anything which savors of direct government, and will, of course, find the Referendum and the Initiative a stumbling-block and a bugbear.

But the increasing number of those who place their utmost confidence in the common sense of the people as a whole, unhampered and unperverted by bosses, will welcome the Referendum and its complement, the Initiative, as the most important contributions to the art of self-government and the greatest triumphs over the peculiar dangers to which representative governments are exposed, which this century has yet seen.

CHAPTER X.

THE CONSTITUTIONS OF THE SWISS CONFEDERATION AND OF THE UNITED STATES COMPARED.

IN her quiet fashion, the unobtrusive little Confederation is working out some of the great modern problems, and her citizens, with their natural aptitude for self-government, are presenting object lessons which we especially in America cannot afford to overlook. It is true that political analogies are sometimes a little perilous, for identical situations can never be reproduced in different countries, but if there be any virtue at all in the study of comparative politics, a comparison between the Federal constitutions of Switzerland and of the United States ought to throw into relief some features which can be of service to us.

To be perfectly frank, the Swiss constitution when placed side by side with our own, at first shows certain decided shortcomings. The Constitution of the United States is an eminently logical, well-balanced document, in which a masterly distinction is made between the executive, legislative, and judicial functions of government, and between matters which belong by nature to organic law, and those which may safely be left to the statute law. In the Swiss constitution, however, the line which separates these departments is not as clearly drawn, so that, in fact, a certain amount of confusion in their treatment becomes apparent. In the primitive leagues which were concluded between the early Confederates, no attempt was made to draw up regular constitutions, and the one now in force dates only from 1848, with amendments made in 1874,

1879, 1885, 1891 and 1892, an instrument still somewhat imperfect, perhaps, but none the less suggestive to the student.

There are two institutions in the Swiss state which bear a very strong likeness to corresponding ones in our own.

Both countries have a legislative system consisting of two houses, one representing the people numerically, and the other the Cantons of which the Union is composed, and both possess a Supreme Court, which in Switzerland goes by the name of the Federal Tribunal. It is generally conceded that the Swiss consciously imitated these American institutions, but in doing so they certainly took care to adapt them to their own particular needs, so that the two sets of institutions are by no means identical. The Swiss National Council and Council of States, forming together the Federal Assembly, are equal, co-ordinate bodies, performing the same functions, whereas our House of Representatives and Senate have particular duties assigned to each, and the former occupies, in a measure, a subordinate position to the latter. The Swiss houses meet twice a year in regular sessions, on the first Monday in June and the first Monday in December, and for extra sessions if there is special unfinished business to transact. The National Council is composed at present of 147 members, one representative to every 20,000 inhabitants. Every citizen of twenty-one is a voter, and every voter not a clergyman is eligible to office. This exception is due to dread of religious quarrels, with which the pages of Swiss history have been only too frequently stained. A general election takes place every three years. The salary of the representatives is four dollars a day, which is forfeited by non-attendance, and about five cents a mile for travelling expenses. On the other hand, the Council of States is composed of forty-four members, two for each of the twenty-two Cantons. The length of their terms of office is left entirely to the discretion of the Cantons which elect them, and in the same manner their salaries are paid out of the Cantonal treasuries. There are certain special occasions when the two houses meet together and

act in concert; first, for the election of the Federal Council, which corresponds in a general way to our President and his Cabinet; secondly, for the election of the Federal Tribunal; thirdly, for that of the Chancellor of the Confederation, an official whose duties seem to be those of a secretary to the Federal Council and Federal Assembly; and fourthly, for that of the Commander-in-Chief in case of war.

The attributes of the Swiss Federal Tribunal, though closely resembling those of our Supreme Court, are not identical with them, for the Swiss conception of the sovereignty of the people is quite different from our own. Their Federal Assembly is the repository of the national sovereignty, and, therefore, no other body can override its decisions. The Supreme Court of the United States tests the constitutionality of laws passed by Congress which may be submitted to it for examination, thus placing itself as arbiter over the representatives of the people; but the Federal Tribunal must accept as final all laws which have passed through the usual channels, so that its duty consists merely in applying them to particular cases without questioning their constitutionality.

If there is a resemblance between the Federal Assembly and our Congress, and between the Federal Tribunal and our Supreme Court, there is, on the other hand, a striking difference between the Federal Council and our presidential office.

The Swiss Constitution does not intrust the executive power to one man, as our own does, but to a Federal Council of seven members, acting as a sort of Board of Administration. These seven men are elected for a fixed term of three years, out of the ranks of the whole body of voters throughout the country by the two Houses, united in joint session. Every year they also designate, from the seven members of the Federal Council, the two persons who shall act as President and Vice-President of the Swiss Confederation. The Swiss President is, therefore, only the chairman of an executive board, and presents a complete contrast to the President of the United States, who is virtually a monarch, elected for a short reign. Sir Henry

Maine says in his book on "Popular Government", (that somewhat exasperating but always instructive arraignment of democracy): "On the face of the Constitution of the United States, the resemblance of the President of the United States to the European king, and especially to the King of Great Britain, is too obvious to mistake. The President has, in various degrees, a number of powers which those who know something of kingship in its general history recognize at once as peculiarly associated with it and with no other institution."

In truth, he is vested with all the attributes of sovereignty during his term of office. He holds in his hands the whole executive power of the government; he is Commander-in-Chief of the army and navy; possesses a suspensory veto upon legislation and the privilege of pardoning offences against Federal law, and, finally, is intrusted with an appointing power unparalleled in any free country. With all this authority he is still a partisan by reason of the manner of his election, so that he cannot possibly administer his office impartially, and must, from the necessity of the case, forward the interests of one political party at the expense of the rest. It is certainly worthy of consideration whether the Swiss Federal Council does not contain valuable suggestions for reformers who desire to hasten the triumph of absolute democracy in the United States.

The institutions of the Referendum and the Initiative until recently had no counterparts in our own country, unless we except the somewhat unwieldy provisions in various States for the revisions of their constitutions by popular vote, and the general right of petition. It is undoubtedly the most successful experiment in applying the principles of direct government which has been made in modern times.

There are, besides, a host of minor differences between the Swiss and American Constitutions, of more or less interest to students of politics and economics.

The central government in Switzerland maintains a Federal Polytechnic School at Zürich, and by virtue of the con-

stitution also exerts an influence over education throughout the Confederation. Article 27 prescribes that the Cantons shall provide compulsory primary instruction to be placed in charge of the civil authorities and to be gratuitous in all public schools. In practice these provisions have been found difficult to enforce where the spirit of the population was opposed to them, as in Uri, the most illiterate of the Cantons, where educational matters remain entirely in the hands of the priesthood. Fortunately, however, the Swiss people at large have a very keen appreciation of the value of education, so that illiteracy, as we have it in this country, among the negroes and the poor whites of the South, as well as amongst certain classes of our immigrants, is really unknown in Switzerland. Someone has jestingly said that there "the primary business of the state is to keep school," and really, in travelling through the country which gave birth to Pestalozzi, one is continually impressed with the size and comparative splendor of the school-houses; in every village and hamlet they have the appearance of being the very best which the community by scrimping and saving can possibly put up.

On the subject of import duties, the Constitution lays down the Article 29 as general rules to guide the conduct of legislators, that "materials which are necessary to the industries and agriculture of the country shall be taxed as low as possible; the same rule shall be observed in regard to the necessaries of life. Articles of luxury shall be subjected to the highest taxes." From this set of principles it will be seen that Switzerland levies her duties for revenue only, as the phrase is, although it must be confessed that there is a perceptible tendency now manifested to raise the duties in consequence of the high protectionist wave which is sweeping over the continent of Europe at the present moment.

When the statistics of Switzerland's general trade, including all goods in transit, which, of course, make a considerable portion of the whole, are compared with those of other European states, it is found that she possesses a greater amount of gen-

eral trade per head of population than any other European country, more even than England.

The telegraph and telephone systems are managed by the central government, as well as the post-office, with excellent results. Not only are these departments conducted in an exemplary manner upon cheap terms, but a respectable revenue is also derived from them, which makes a good showing in the annual budget.

Everything which is connected with the army, from the selection of the recruits to the election of the Commander-in-Chief, also possesses exceptional interest, because Switzerland is the only country in the world which has so far succeeded in maintaining an efficient militia without the vestige of a standing army.

An attempt was made, in 1885, to deal with the evils of intemperance, by establishing a state monopoly of the manufacture and sale of spirituous liquors, the revenue thus derived being apportioned amongst the Cantons according to population, with the proviso that ten per cent of it be used by them to combat the causes and effects of alcoholism in their midst. It is too early to speak of the final results of this legislation, but for the moment there seems to be a decided falling off in the consumption of the cruder and more injurious qualities.

Amongst other matters which the Federal authorities have brought under their supervision, are the forests, river improvements, ordinary roads and railroads, and bridges, etc., not managing them all directly, but reserving the right to regulate them at will. Even hunting and fishing come within the jurisdiction of the central government, this constitutional power having been used to preserve the *chamois* in certain mountain ranges where they were threatening to disappear completely, but where, thanks to timely interference, they are now actually on the increase.

Apart from these constitutional provisions, the general drift of legislative action seems to have set in very strongly toward a mild form of state socialism, somewhat after the form of the

Prussian system, but with this difference, that in the case of Switzerland it is the people who unite to delegate certain powers to the state, while in the latter country this policy is imposed upon the people from above by the ruling authorities. The altogether exceptional clauses in the Swiss Constitution referring to the exclusion of the Jesuits, a survival of the war of 1848, to the so-called *Heimatlosen*, or those who have no commune of origin, and to the police appointed to control the movements of foreign agitators seeking asylum in the country, all these have a purely local interest, and need not be especially examined.

What, then, is the peculiar mark and symbol of the Swiss Constitution, taken as a whole? When all has been said and done, the most characteristic provisions are those which introduce forms of direct government or of pure democracy, as the technical expression is. The supremacy of the legislative branch, as representing the people, the peculiar make-up of the Federal Council, the limited power of the Federal Tribunal, and above all the institution of the Referendum and Initiative, are all evidences of this tendency toward direct government. In the Cantonal governments the same quality is more apparent, for it is from them that the Swiss Federal Constitution has borrowed the principles which underlie these characteristic provisions. In point of fact, representative democracy has never felt quite at home in Switzerland; there has always been an effort to revert to simpler, more straightforward methods; to reduce the distance which separates the people from the exercise of their sovereignty; and to constitute them into a court of final appeal.

In view of the marvellous stability which the pure democracy of Switzerland has displayed, there is something comical in the horror of all forms of direct government expressed by most constitutional writers. De Tocqueville, whom we honor for his appreciation of our own Constitution, declared, "that they all tend to render the government of the people irregular in its action, precipitate in its resolutions and tyrannical in its

acts."[1] Mr. George Grote[2] also condemned the Referendum, and, of course, one cannot expect pure democracy to be praised by Sir Henry Maine. On the other hand, Mr. Dicey recently discussed the practicability of introducing the Referendum into the English political system in a favorable manner.[3] After all, is not this very quality of directness a great recommendation, when we consider the rubbish which at present clogs the wheels of our political machinery, the complications which confuse the voter and hide the real issues from his comprehension? The very epithets, pure and direct, satisfy at once our best aspirations and our common sense.

[1] De Tocqueville. Democracy in Switzerland.

[2] Grote, G. Seven Letters concerning the Politics of Switzerland in 1847.

[3] Dicey, E. Article in Contemporary Review. April, 1890.

CHAPTER XI.

THE NEUTRALITY OF SWITZERLAND.

HAPPILY, that period of national degradation, which Switzerland traversed at the beginning of the century, is now only an evil memory. The Confederation has risen from the state of complete prostration into which she had fallen, has collected her forces during many succeeding years of peace, and after various vicissitudes, has at length won her present position of honor and usefulness amongst the nations.

Switzerland's geographical position imposes upon her the choice between two utterly distinct foreign policies. She must either cast in her lot with one of the rival European powers, or else she must observe strict neutrality toward them all. Since the Congress of Vienna, in 1815, Switzerland has adhered, without the slightest deviation, to the latter policy; thus fulfilling the two-fold mission of providing neutral territory in the midst of armed Europe, and of representing the principles of democracy on the continent.

But it is one thing to be endowed with the privilege of perpetual neutrality and quite another matter to maintain it inviolate. The complications, to which the intense rivalry of the powers now and again give rise, often make this task extremely embarrassing.

The so-called question of Savoy, a legacy of the Congress of Vienna, deserves to be especially noticed. In 1859, the cession of Nice and Savoy to France led to negotiations between the Confederation and Napoleon III. The latter offered to concede certain further rights over the zone in Savoy to Swit-

zerland, but they were refused as insufficient, and, during an interchange of notes between the two governments, in 1883, it was acknowledged that the conditions created by the act of 1815 were still in force. The zone presents, therefore, the strange anomaly of being French territory, and yet enjoying the same sort of neutrality as Switzerland; of furnishing soldiers for the French army, and in the event of a European war, being forbidden ground for contending armies. Moreover, any interference of Switzerland in that quarter, to which she is legally entitled according to the terms of the act of 1815, would now undoubtedly produce grave international complications; so that the whole question may be considered to be in a very unsatisfactory state, and to be prevented from endangering peace only by the especially friendly relations which exist between the Swiss and the French.

As has been shown, Switzerland displayed the greatest presence of mind, in 1847, at the time of the Sonderbund War, in rejecting the offer made by the powers to intervene in the interest of peace. The so-called question of Neuchatel, of 1857, also gave the Confederation the opportunity of showing Europe a determined front, and more recently she asserted her neutrality by a show of armed force, in 1871, during the closing months of the Franco-German war. In February of that critical year, the French army of the East, under Bourbaki, had retreated from Belfort upon the Swiss frontier, and then, surrounded by the Germans, decimated by cold and hunger, had taken refuge upon Swiss soil to the number of about 85,000 men, with 10,000 horses and 200 guns. A body of 20,000 Swiss troops promptly disarmed them and distributed them over Switzerland, where for something like seven weeks they were cared for in a manner which has always been remembered with gratitude by the French nation, and is still frequently mentioned upon public occasions.

It is the right of asylum which has given Switzerland the greatest trouble in the exercise of her neutrality. The late Sir F. O. Adams, Minister of Great Britain, at Bern, says in regard

to this point, in his book, "The Swiss Confederation": "The question of the right of asylum has been at times a difficult one for Swiss statesmen; but the invariable principle that has guided them, even when there has been pressure from abroad, is stated to be that Switzerland, whilst maintaining that right in its integrity, cannot allow foreigners who have taken refuge upon her soil to abuse her hospitality by organizing conspiracies against foreign governments; still less to lay plans for the commission of crimes against individuals, or for injuring their property."[1] As may be imagined, it is no easy matter to apply these principles impartially, and to distinguish between purely political crimes and offences against common law; but, at all times, the little Confederation has shown the greatest courage in ignoring foreign threats, and in interpreting her duty according to her own standards. In 1823, several German fugitives, implicated in the liberal agitation of the German students, or *Burschenschaften*, took refuge at Basel. Amongst them, a William Wesselhoeft[2] who, finding that great pressure was being exerted by the powers to force Basel to expel him, left of his own accord for the United States. In 1834, the presence of Mazzini in Switzerland led to international difficulties, and, in 1838, she preferred to mobilize her troops rather than to submit to the demand of the French government in regard to Louis Napoleon, the subsequent Emperor, who had taken refuge at Arenenberg, on the Lake of Constance.

Only lately, in the summer of 1889, a ripple of excitement passed over the surface of the diplomatic world on account of what was known as the Wohlgemuth affair. A German police officer of that name was detected practising the arts of an *agent provocateur* amongst the German Socialist and Anarchist fugitives in Switzerland; that is, he was engaged in ingratiating himself into their good will by pretending to be one of them, and was caught urging them to commit open acts of violence which would lead to their arrest. It is almost incred-

[1] Adams and Cunningham. The Swiss Confederation, p. 244.

[2] His descendants, a well-known family of physicians, now live in Boston, Mass.

ible that the great powers should stoop to such baseness, but the history of the last few years in Europe is full of the doings of these official spies. Wohlgemuth was promptly clapped into prison, on the accusation of inciting to a breach of the peace, and later politely conducted to the frontier, after repeated remonstrances from Bismarck, at that time still in the heyday of his glory as Chancellor of the empire. There may have been some irregularities in the manner in which the police officer was treated, but every impartial person was delighted at the fearlessness displayed by the local Swiss authorities. The incident did not, however, end with Wohlgemuth's expulsion, for Bismarck took this occasion to try to bully Switzerland after his most approved method. He made the impossible request that the Swiss government should hereafter refuse the right of asylum to every German subject not provided with papers signed by the officials of his native country; denounced the treaty of settlement which existed between Germany and Switzerland; and, what was more serious, threatened to withdraw the guarantee of his government to Switzerland's perpetual neutrality. In 1870, a few days after the declaration of war against France, Bismarck had written, in answer to a circular letter sent by the Swiss Federal Council, "Germany will scrupulously respect the neutrality of Switzerland guaranteed by the treaties"[1]; but, in 1889, he professed to consider this promise as no longer binding.

Popular feeling in Switzerland ran very high against these Bismarckian methods. Of course, the newspapers of both countries made much of the incident, with that peculiar abandon which characterizes all press wars; but the height of recklessness and disregard of established rights was reached by a German paper, which went so far as to suggest the partition of Swiss territory amongst Germany, France, Austria, and Italy, as the simplest solution of the great European problem. After boiling up ominously for a while, the waters subsided, but not before Bismarck had succeeded in persuading the Rus-

[1] Hilty. La Neutralité de la Suisse, p. 51.

sian government to remonstrate against Switzerland's lenient attitude toward the Nihilist fugitives on her soil. The upshot of the Wohlgemuth affair was that the Swiss authorities instituted an extra force of police to watch the doings of foreign agitators; another treaty of settlement was concluded with Germany, and the threats made by Bismarck were followed by assurances of good will. At the present time the question is, of course, closed, but a feeling of distrust has remained amongst the Swiss, and a deepened conviction that they must learn to depend more and more upon their own exertions to maintain their much-prized neutrality.

It must be remembered, in treating of this subject, that there is a distinction between a case of ordinary neutrality, which is the state of any country preserving an impartial bearing while its neighbors are engaged in war, and the perpetual or guaranteed neutrality which belongs to Switzerland by virtue of international agreements. The latter is a special privilege, accorded only under exceptional circumstances. It is unquestionably the strategic importance of the little Confederation, out of all proportion to the extent of her territory, which has made her the recipient of such a favor; for Switzerland's position and topographical features are such as to render her the great natural fortress of central Europe, and the key to the military situation. In fact, her importance, from this point of view, has steadily increased in modern times, as the balance of power between the rival nations has approached nearer and nearer to equilibrium. At the present moment, it may be said that the power which could operate with Switzerland as a basis could dictate the terms of peace; so that the absolute neutrality of this territory is essential to the very existence of modern Europe.

To examine the situation from a purely military standpoint: What are the chances of Swiss territory being invaded during the next great war? The advantages which certain powers would find in pushing troops through Switzerland, in order to attack their rivals upon the flank, are so great that the

temptation could not be resisted, if only military considerations were allowed to have the upper hand. In case of a duel between France and Germany, the likelihood of such a violation is not great, for the invading nation would immediately find Switzerland making common cause with the enemy, and, in the present state of affairs, this slight advantage might decide the issue; but since the formation of the Triple Alliance the risk has measurably increased. A glance at the map reveals Germany on the north, Austria on the east, and Italy on the south, leagued together against France on the west. Switzerland is, therefore, completely surrounded by a cordon of armies, eager to attack each other across her territory. Austria perhaps, would not need to make use of Swiss soil, for, according to present indications, all her available troops would be engaged in a struggle with Russia; nor would Germany, apparently, gain very much by such a move, for, after crossing Switzerland, she would be confronted by a strong line in France, Belfort-Besancon and Lyons. But the right of passage would be undoubtedly of inestimable value to France and Italy. The former could, in twenty-four hours, throw a large force upon Germany's unprotected flank, the line Basel-Schaffhausen-Constance; while the latter could reach France by the undefended Swiss passes of the Simplon and the Great St. Bernard, and by the Lake of Geneva. The chances are, consequently, that if Swiss neutrality were violated at all, it would be by the French and the Italians; and there seems to be no doubt that, whichever of these powers made the first move, the other would immediately follow suit by hastily throwing forward an army to check the enemy's advance. Switzerland would then again become the seat of war, as in 1799.

In view of this military situation, what resistance could the Swiss offer to the invaders? Of course, no one pretends that they could hold their own single-handed, even against an isolated European power, for any length of time, but the necessity for such action is scarcely imaginable. If the Swiss were

called upon to fight at all, it would be only to hold certain positions until the friendly powers could come to their aid, and not to carry on great offensive operations. For defensive purposes, the Swiss have organized a militia force which, comprising all the reserves, in 1899, numbered no less than 509,707 men, although the total population of the country is little over 3,000,000 inhabitants. This army is not a parade force; it has certain weaknesses which are inseparable from militias everywhere, but it is complete in every detail, can be rapidly mobilized, and does not drain the resources of the nation like a standing army. If the Swiss soldier looks slovenly, he is, at the same time, the best average shot in the world, and yields to no one in his readiness to sacrifice his life in the holy cause of liberty. On the whole, the chances of Switzerland's performing her part creditably in the next war would be favorable; she would do her duty.

So much for the purely military side of the question; but, fortunately, there is another and a higher aspect of the case. A moral principle is involved, which is of far greater importance to the European powers, and is therefore more likely to triumph in the end. For it must be remembered that Europe, at the Congress of Vienna, gave her *word* to Switzerland that her neutrality should be respected; so that, as a matter of fact, the trustworthiness of international agreements in general is at stake. It seems hardly likely that any of the rival powers would be willing to incur the odium of being the first to break this engagement with a small but highly respected and useful state. Public opinion, the world over, would promptly turn against that nation; and even Bismarck was forced to acknowledge that it is worth something to have the moral support of outsiders in a great contest.

There is another consideration which would have weight in determining the conduct of the powers toward Swiss neutrality. As no one can suspect Switzerland of seeking territorial conquests or laying plans for self-aggrandizement, she has, in these days, become the centre of many international unions, and

the powers have acquired the habit of referring some of their disputes to her for abitration. This movement was inaugurated in 1864, by the memorable convention for the protection of the wounded, held in Geneva. Soon after that date, Bern was selected as the centre for the permanent administration of the International Telegraph Union; in 1871, followed the settlement of the Alabama Claims by a tribunal of arbitration assembled at Geneva,—an act which gave a wonderful moral impulse to the cause of international arbitration. Since then a number of central offices have been constituted at Bern, such as those for the International Postal Union, for the regulation of freight transport upon the Continent, and for the protection of industrial, literary, and artistic property. When we take into consideration that these international officers are the only ones in existence, except the purely scientific *Bureau du Mètre* in Paris, it becomes evident how highly the use of this neutral meeting-ground is valued by the European powers, and how loath they would be to part with it.

The following significant words upon this subject occur in a report made to the English government, in 1885, by one of its agents abroad: "It is difficult, when passing through the quiet streets of Bern, to realize the importance of the operations which are being unobtrusively carried on, or the world-wide scope of the interests involved. Yet it cannot be doubted that these interests form a more effectual guarantee for the preservation of Switzerland as an independent state than any other that could be devised. . . . No one, finally, who has lived for even a few years in Switzerland, and has learnt to appreciate the practical good sense so largely prevailing in that energetic little country, will hesitate to rejoice at the destiny which now, more than ever before, seems assured to it, of retaining an honored place among the nations."[1]

It may be that the example of Switzerland is destined to

[1] Reports from her Majesty's Diplomatic and Consular Officers Abroad. Part IV., Commercial, No. 26 (1885).

accomplish great results in the world's history, for, in truth, there are tremendous possibilities in this principle of perpetual neutrality. It supplies a means of arriving at a semblance, if nothing better, of a permanent international peace.

There are, at present, several other neutral states, and it only remains for the powers to extend this privilege gradually to all the contested points on the map of Europe in order to make war unnecessary, and in time impossible. Belgium's neutrality is guaranteed by England, and the little duchy of Luxembourg is also neutral territory, according to international treaty. It will be seen by looking into an atlas that, if Alsace-Lorraine could be declared neutral, there would be an unbroken band of neutral soil from Belgium to Switzerland, effectually shutting off all approach from France to Germany. Is it too much to expect sensible counsels to prevail yet awhile in this much-vexed question? If so, perhaps in a few years, when the two nations have begun to feel that the weight of their enormous armaments is too great for endurance, and have drunk to the depths the bitterness of this enforced peace, they will resort to some such compromise, rather than prolong an impossible situation. In other parts of Europe there are little independencies, whose neutrality is carefully respected by the powers, such as San Marino in Italy, Andorra in Spain, Liechtenstein in Austria, and Monaco on the boundary between France and Italy; they are all witnesses to the fact that neutralities can be maintained even in the very midst of great nations. Only the other day, the powers united in a sort of joint protectorate over the Congo Basin, and established the principle of optional arbitration in cases of dispute; while England, Germany, and the United States have, since then, made certain agreements as regards the Samoan Islands. Think how the stability of peace would gain by the neutralization of such debatable ground as the Balkan peninsula and Egypt! Not long ago, it was proposed in the parliaments of Sweden and Denmark to labor for the perpetual neutralization of those two countries. And so the movement might grow, until, all over the earth, there

would be neutral zones from which war would be ostracized as a thing unclean.

Look at Switzerland as she is even now. Does she not stand for a representation — on a small scale and imperfectly, it may be — of what poets and philosophers have pictured to themselves the world might some day become? Is she not already, in her way, a miniature Parliament of Man? For she is not a national unit, like France or Spain, existing as such in spite of herself. The nucleus of the Swiss Confederation was perhaps formed by nature to be free and independent, but the outlying districts joined the Union of their own accord; in other words, it is the will of the Swiss people and their fixed determination which keep them united. Consider the mixture of races and religions which they represent. Of the twenty-two Cantons, thirteen are German speaking, four are French; in three German and French both are spoken, in one Italian, and in another Romansch. The population of German Switzerland is almost purely Teutonic; that of French Switzerland about half-and-half Teutonic and Celto-Roman; while Italian and Romansch Switzerland can boast of Celto-Roman, Ostro-Gothic, and even Etruscan elements. Some of these Cantons are Protestant, others Roman Catholic, and others, again, have a mixed population of both faiths. If these incongruous, often antagonistic Cantons can meet upon some common plane and conform to some standard, can live side by side in peace and prosperity, surely the task of some day uniting the nations of the world upon a similar basis is not altogether hopeless and chimerical.

CHAPTER XII.

TWENTIETH-CENTURY SWITZERLAND.

THE twentieth century finds Switzerland progressing along the lines laid down by her people during the second half of the nineteenth. She is solving her political problems according to the principles of direct government, and her social and economic difficulties according to her national motto, "All for Each and Each for All."

Her success has attracted the attention of thinkers in many countries, and her example has stimulated the efforts of earnest reformers everywhere. She has demonstrated the practicability of the Referendum, the Initiative, and Proportional Representation. She has shown the world the advantages of holding large tracts of land in common, and how to maintain an efficient army with the minimum of professional soldiers. She has established a Federal alcohol monopoly, and her government ownership of the telegraph and telephone systems has proved so satisfactory, that she has decided to extend it also to the railroads.

Although her area is not even one-third as great as the State of New York, and fully one-third of her territory is hopelessly unproductive, being covered with mountain ranges, glaciers and lakes, nevertheless, with the opening of the new century, her population has passed the three-million mark. Although she possesses not a single coal-mine, nor a foot of sea-coast, and is obliged to import her raw materials against high freight charges and often against hostile tariffs, yet she is making rapid progress in manufacturing and trade, and in the arts and sciences. The signs of orderly well-being multiply on every hand. Contentment and good cheer reign in the little Republic.

Among the causes which have contributed to this substantial progress some are political, and some social and economic.

but undoubtedly the temper of mutual helpfulness which characterizes the Swiss has helped mightily to bring all reforms to full fruition.

The Referendum and the Initiative have already been explained in a previous chapter. A word may, therefore, be said here concerning Proportional Representation.

Students of the representative system of government have long since observed certain flaws in its practical application. It has been calculated, for instance, that no less than two-fifths of the voters are unrepresented in the Parliament of England, in the Congress of the United States, and in the Federal Assembly of Switzerland. It has been found that parties are rarely represented according to their numerical strength. It is to correct these injustices that various systems of Proportional Representation have been proposed. Ideal conditions may be illustrated by the following example :

Suppose an imaginary state is to elect ten representatives with 1,000 votes. Then every party which can muster one-tenth of the total, or 100 votes, ought to be entitled to one representative. The number of votes divided by the number of representatives to be elected is called the electoral quotient. In this case it is 100. If this imaginary state contains 400 Republicans, 300 Democrats, 200 Populists, and 100 Prohibitionists, its legislature ought to be composed of 4 Republicans, 3 Democrats, 2 Populists, and 1 Prohibitionist. Under present conditions the Populists and Prohibitionists could not elect their candidates at all, while the slight preponderance of Republicans over Democrats would probably allow the former to sweep the state.

The manner in which Proportional Representation was introduced into Switzerland is not without interest. To the Italian-speaking canton of Ticino belongs the honor of adopting this reform in 1891, although the nation at large had debated it for years.

There had been for some time a good deal of bickering and quarreling between the two principal parties in Ticino, the Conservatives and the Liberals, but the main cause of dissension

was the glaringly unjust representation of the two parties in the Grand Council, which is the single assembly of the canton. The official figures for the election of representatives to that house on the 3d of March, 1889, were as follows: There were 112 deputies to elect; of these the Conservatives with 12,653 ballots returned seventy-seven members, while the Liberals with 12,008 (a handful less) returned only thirty-five. Out of a total vote of 24,671 it was calculated that 9,157 were unrepresented.

Finally, in September of 1890, an insurrection broke out which led to the overthrow of the Conservative Government. After a provisional government had restored order, it was soon seen that the only way of ending the strife in Ticino was to adopt some form of Proportional Representation. This was done, and since then the cantons Neuchâtel, Geneva, Zug, Fribourg, Basel, Luzern, and Solothurn have followed the example of Ticino with most satisfactory results. It will not be long before the Federal Assembly itself is elected on this same prnciple.

The plan introduced into Switzerland is that of the Free List, with local variations. Each party establishes its list of candidates, which must be officially certified. Each elector has as many votes as there are candidates to be elected. No cumulation of votes is permitted, but provision is made for marking preferences. In counting ballots, the judges are obliged to ascertain the number of votes cast for each party and for each candidate, as well as to determine the electoral quotient. Each party elects as many representatives as it has received electoral quotients. If there are places left over after this process, they are assigned to the party polling the largest vote.

Turning now to an economic subject, what has Switzerland to say upon the Land Question? Nothing final, it is true, but the treatment of public, common lands in that country is full of suggestions.

The Swiss people have from the earliest times operated a crude system of communism in their midst. In the valleys they set apart *almends*, or commons, and in the mountains *alps*,

or summer pastures, for the use of the community. By this means a part, at least, of the land in every gemeinde, or commune, has not been allowed to fall into the hands of private owners, but has been reserved for public use. We have a reminiscence of this in the commons of England and New England, though the resemblance does not go very far; for the Swiss *almend*, in its wider sense, consists of forest, pasture, and meadow land, and, according to the nature of the ground, sometimes also of marshy land for rushes and peat.

In spring the cattle are driven up into the mountains, and take possession of the pastures as the snow recedes, reaching their highest feeding-ground at the end of August. The technical term for these grazing lands, *alps*, is to be carefully distinguished from the general name of Alps, spelt with a capital letter, and given to the great mountain range that traverses Europe.

The use of these summer pastures goes back to the period of the earliest settlements. In fact, remains of ancient huts have been found, known locally as *Heidenhüttchen*, which seem to date from Ræto-Roman times, before the advent of Germanic tribes into Switzerland.

There are between 4000 and 5000 regular *alps* throughout the length and breadth of the country. It is only natural, therefore, that the manner of using them should vary very much. In some cantons they are managed collectively by the communes, in others they are rented out to private individuals. As a rule each citizen has the right to send up a certain number of cows for the summer, and on specified days the average yield and total production of each cow is computed, so that the proper division of the resulting butter and cheese may be made.

By treating at least some of the total supply of land as common property, the Swiss not only exclude the possibility of the complete monopolization of land by a small coterie of landowners, but at the same time provide themselves with a safe and equitable system of revenue to be expended for public purposes. It is principally owing to this system that the

Swiss gemeinden, or communes, are almost entirely free from debt and able to live on their own incomes.

The army of Switzerland may be termed without exaggeration the most efficient militia force in existence to-day.

The first clause of Article 18 of the Federal Constitution says: "Every Swiss is bound to perform military service." At stated dates every year, all young men who have come of age go before an examining board, consisting of military officers and physicians. They are subjected to an examination in the rudiments of learning, and are tested to see if they come up to the rather easy requirements in physical condition, demanded of Swiss recruits. Those who have successfully sustained these tests are drafted into the different branches of the service, according to their special aptitudes, and are sent to recruiting schools scattered over the country,—the infantry for a term of forty-five days, the artillery for fifty-five, the cavalry for sixty, and the engineers for fifty. On the other hand, the recruits who are unable to pass their examinations in the rudiments of learning are obliged to attend special recruits' schools, while those who are found to be physically incapacitated pay an annual tax of exemption. So severe are the regulations in this regard that even Swiss citizens living in foreign countries are required to pay this tax.

Upon issuing from the recruiting schools, the young men, now trained to be regular soldiers, join the active army, the *Elite* as it is called in French, the *Auszug* in German, until they are thirty-two years old, being required to join the ranks every other year for regular drills,—the cavalry every year on account of the greater amount of training demanded by that branch of the service. The soldier then passes from the *Elite* into the *Landwehr*, until he is forty-four, and finally enters the *Landsturm*, which comprises all men capable of bearing arms, between the ages of seventeen and fifty, who are not in the *Elite* or the *Landwehr*. According to the statistics for 1899 the active army numbered 148,435, the first reserve 85,676, and the second 275,596,—making an astound-

ing total of 509,707 armed men out of a population of a trifle over three million souls.

It is one of the peculiar features of the Swiss military establishment that every soldier keeps his outfit at home, ready for immediate use when the summons may come. The third clause of Article 18 of the constitution provides that: "Each soldier shall receive without expense his first equipment, clothing, and arms. The weapon remains in the hands of the soldier, under conditions which shall be prescribed by federal legislation." Rigid inspections of arms are held annually in each district, and if repairs are made necessary by any carelessness on the part of the soldier, they are executed at his own expense. The Schmidt rifle, with which the army has now been supplied, is of the magazine type, burning smokeless powder.

As one might expect of a citizen army, the uniforms are simple, but serviceable. The headdress for all arms is a kind of low shako (in German *Käppi*, in French *képi*), made of stiff felt with fore-and-aft peaks. It is adorned with a colored worsted pompon, or cockade, to denote the wearer's particular branch of the service. Dark-blue tunics and dark-gray trousers are the rule, except green tunics for sharpshooters and cavalry, and complete light-blue uniforms for surgeons. In fact this latter uniform is the only brilliant one in the Swiss army. The rank of the officers is indicated by the number of narrow lace bands on the headdress, and of stars on the shoulder-straps. During active service all officers and men wear the Federal badge on the left arm, a broad red ribbon bearing a white cross.

True to their deep-rooted, Federal instinct, the Swiss do not admit a commander-in-chief in times of peace, but content themselves with a general staff composed of three colonels, sixteen lieutenant-colonels or majors, and thirty-five captains. In case of war, however, a general would immediately be elected by the Federal Assembly to take supreme command. Military law is administered by a special judiciary staff, in

accordance with an elaborate law passed on the 28th of June, 1889.

Among the most interesting subjects connected with the Swiss army are the regulations in regard to pensions. Short and simple as is the constitutional enactment upon this subject, it is worthy of serious attention. The second clause of Article 18 says: "Soldiers who lose their lives or suffer permanent injury to their health in consequence of Federal service are entitled to aid from the Republic for themselves or their families, in case of need." Observe these words, "*in case of need*"; they speak volumes. Moreover, the amount of such pensions has been limited by special law to a sum of 1,200 francs ($240), paid down, or to an annual pension of 650 francs ($130), according to the gravity of the case and the poverty of the family. As reward for special bravery on the part of the pensioners these sums can be doubled.

If one were asked to designate the particular quality which distinguishes the Swiss army from all others, one would point to the comparative absence of class distinctions within the ranks. This model militia is as democratic as an efficient army can be. When the drill is over, the officer and the private may be seen plowing in the fields together, or working in the same factory. They are real brothers in arms.

Between the years 1848 and 1898 the Federal Referendum has been used forty-eight times. Twenty-nine bills have been rejected by the Swiss people, and only nineteen accepted. Among the latter the two most important ones have been those creating a Federal alcohol monopoly, and instituting government ownership of railroads.

A law was passed on October 25th, 1885, and came into force in 1887, by which the importation of alcohol and the distillation of potatoes, cereals and foreign fruit passed into the hands of the state. The distillation of home-grown fruit and the importation of foreign fruit-brandies, however, remained free. The state supplied retailers with spirits in wholesale quantities.

In order to help the cause of temperance, the law decreed

that the total profits of the monopoly should not be retained by the Federal government, but should be divided among the cantons according to population, with the special proviso that one-tenth of each canton's share should be devoted to the cause of combating intemperance. The total amount to be divided in 1898 was about 1,290,667 dollars. In practice it has been found rather difficult for the cantons to determine exactly what agencies or institutions could be considered as combating intemperance, and therefore entitled to financial aid, but the general result of the Federal alcohol monopoly has been to effect a great saving for the country at large by abolishing certain cumbersome cantonal taxes which were very costly to collect. It has, moreover, wiped out the largest as well as the smallest distilleries, leaving only those of moderate capacity. It has decreased the consumption of spirits, while at the same time it has increased the consumption of wine and beer. As a financial measure the Federal alcohol monopoly has proved itself to be a decided success; as a means of inculcating temperance it is variously estimated by different investigators, according to the views entertained by them concerning the problem of intemperance itself.

Of vital importance and of special interest to foreign observers is Switzerland's experiment in government ownership of railroads.

Ever since the first Swiss railroad was built, the Swiss people have discussed periodically this subject of complete government construction, ownership and operation. The Federal government has managed the postal system since the reorganization of 1848; it has managed the telegraph and telephone systems since those inventions came into use in Switzerland. In 1852, when railroad construction first began on an extensive scale, the question of government construction, ownership and operation of railroads came up for discussion in the Federal Assembly, but the Assembly voted for private construction, ownership and operation. Nevertheless laws were passed, from time to time, extending the control of the Federal government over the management of the railroads, until in 1890

and 1891 government ownership virtually began, when the Federal government bought a controlling share in the stock of the Jura-Simplon line.

Finally on February 20th, 1898, the Swiss people by means of the Referendum decided, by the enormous majority of over 200,000 votes, that the state should purchase and operate all the main Swiss railroads. There are about 1700 miles of railroad, and the purchase-price is variously estimated at between 186,000,000 and 200,000,000 dollars. The original owners of stock are to be bought out, and bonds issued bearing 3½ per cent. interest. The number of men employed on the railroads will be about 25,000. The Federal government is now buying one line after another. On February 22d, 1899, the Federal Council took charge of the Swiss North East Line, and favorable effects have already been observed in the reduction and uniformity of rates. The other lines are to follow, the United Swiss Line, the Swiss Central, and eventually the St. Gothard Line.

The campaign which preceded the vote by means of the Referendum was unusually lively. The opposition cited the enormous debt which Switzerland would incur, the inevitable increase of employés, and dwelt upon the various objections which are generally urged against government ownership of railroads, but the voters were undeterred from their purpose.

Every voter received a copy of the law dealing with the details of the purchase, the issuance of bonds, the operation of the railroads, the payment of the employés, and the provisions made for their insurance against accident and death. Finally, after the Referendum had been taken, the news of the result was sent free of charge by the government to all parts of Switzerland.

It is not too much to say that the world is watching this experiment with close attention, and that the solution which certain social and economic problems are to find depends largely upon the measure of its success.

APPENDIX.

Federal Constitution of the Swiss Confederation,[1] of May 29, 1874.

IN THE NAME OF ALMIGHTY GOD.

THE Swiss Confederation, desiring to confirm the alliance of the Confederates, to maintain and to promote the unity, strength, and honor of the Swiss nation, has adopted the Federal Constitution following:

CHAPTER I. GENERAL PROVISIONS.

Article First. The peoples of the twenty-two sovereign Cantons of Switzerland, united by this present alliance, viz.:

Zürich, Bern, Luzern, Uri, Schwyz, Unterwalden (Upper and Lower), Glarus, Zug, Freiburg, Solothurn, Basel (urban and rural), Schaffhausen, Appenzell (the two Rhodes), St.

[1] This translation of the Constitution of Switzerland has been made from the parallel French and German texts by Albert Bushnell Hart, Assistant Professor of History in Harvard College. The copy or proofs of the translation have been submitted to Profs. S. M. Macvane and Adolphe Cohn of Harvard College, Prof. Bernard Moses of the University of California, Prof. Woodrow Wilson of Wesleyan University, Prof. R. Hudson of the University of Michigan, and Mr. J. M. Vincent, Librarian of the Department of History and Politics, Johns Hopkins University — from all of whom helpful suggestions have been received. The translation adheres as closely as possible to the form of the French version, since the French idioms more closely approach the usual phraseology of American political documents. Amendments passed up to 1892 have, in accordance with Swiss usage, been incorporated in their logical place in the text. — Reprinted, by permission, from "*Old South Leaflets*," *General Series*, *No. 18*, with more recent amendments added by the Author.

Gallen, Grisons, Aargau, Thurgau, Ticino, Vaud, Valais, Neuchatel, and Geneva, form in their entirety the Swiss Confederation.

ART. 2. The purpose of the Confederation is, to secure the independence of the country against foreign nations, to maintain peace and order within, to protect the liberty and the rights of the Confederates, and to foster their common welfare.

ART. 3. The Cantons are sovereign, so far as their sovereignty is not limited by the Federal Constitution; and, as such, they exercise all the rights which are not delegated to the federal government.

ART. 4. All Swiss are equal before the law. In Switzerland there are neither political dependents, nor privileges of place, birth, persons, or families.

ART. 5. The Confederation guarantees to the Cantons their territory, their sovereignty, within the limits fixed by Article 3, their Constitutions, the liberty and rights of the people, the constitutional rights of citizens, and the rights and powers which the people have conferred on those in authority.

ART. 6. The Cantons are bound to ask of the Confederation the guaranty of their Constitutions.

This guaranty is accorded, provided:

(*a*) That the Constitutions contain nothing contrary to the provisions of the Federal Constitution.

(*b*) That they assure the exercise of political rights, according to republican forms, representative or democratic.

(*c*) That they have been ratified by the people, and may be amended whenever the majority of all the citizens demand it.

ART. 7. All separate alliances and all treaties of a political character between the Cantons are forbidden.

On the other hand, the Cantons have the right to make conventions among themselves upon legislative, administrative, or judicial subjects; in all cases they shall bring such conventions to the attention of the federal officials, who are authorized to prevent their execution, if they contain anything contrary to the Confederation, or to the rights of other Cantons. Should

such not be the case, the covenanting Cantons are authorized to require the coöperation of the federal officials in carrying out the convention.

ART. 8. The Confederation has the sole right of declaring war, of making peace, and of concluding alliances and treaties with foreign powers, particularly treaties relating to tariffs and commerce.

ART. 9. By exception the Cantons preserve the right of concluding treaties with foreign powers, respecting the administration of public property, and border and police intercourse; but such treaties shall contain nothing contrary to the Confederation or to the rights of other Cantons.

ART. 10. Official intercourse between Cantons and foreign governments, or their representatives, shall take place through the Federal Council.

Nevertheless, the Cantons may correspond directly with the inferior officials and officers of a foreign State, in regard to the subjects enumerated in the preceding article.

ART. 11. No military capitulations shall be made.

ART. 12. No members of the departments of the federal government, civil and military officials of the Confederation, or federal representatives or commissioners, shall receive from any foreign government any pension, salary, title, gift, or decoration.

Such persons, already in possession of pensions, titles, or decorations, must renounce the enjoyment of pensions and the bearing of titles, and decorations during their term of office.

Nevertheless, inferior officials may be authorized by the Federal Council to continue in the receipt of pensions.

No decoration or title conferred by a foreign government shall be borne in the federal army.

No officer, non-commissioned officer, or soldier shall accept such distinction.

ART. 13. The Confederation has no right to keep up a standing army.

No Canton or Half-Canton shall, without the permission of the federal government, keep up a standing force of more than three hundred men; the mounted police [*gendarmerie*] is not included in this number.

ART. 14. In case of differences arising between Cantons, the States shall abstain from violence and from arming themselves; they shall submit to the decision to be taken upon such differences by the Confederation.

ART. 15. In case of sudden danger of foreign attack, the authorities of the Cantons threatened shall request the aid of other members of the Confederation, and shall immediately notify the federal government; the subsequent action of the latter shall not thereby be precluded. The Cantons summoned are bound to give aid. The expenses shall be borne by the Confederation.

ART. 16. In case of internal disturbance, or if the danger is threatened by another Canton, the authorities of the Canton threatened shall give immediate notice to the Federal Council, in order that that body may take the measures necessary, within the limits of its power (Art. 102, §§ 3, 10, 11), or may summon the Federal Assembly. In extreme cases the authorities of the Canton are authorized, while giving immediate notice to the Federal Council, to ask the aid of other Cantons, which are bound to afford such aid.

If the executive of the Canton is unable to call for aid, the federal authority having the power may, and if the safety of Switzerland is endangered, shall intervene without requisition.

In case of federal intervention, the federal authorities shall take care that the provisions of Article 5 be observed.

The expenses shall be borne by the Canton asking aid or occasioning federal intervention, except when the Federal Assembly otherwise decides on account of special circumstances.

ART. 17. In the cases mentioned in Articles 15 and 16, every Canton is bound to afford undisturbed passage for the troops. The troops shall immediately be placed under federal command.

ART. 18. Every Swiss is bound to perform military service.

Soldiers who lose their lives or suffer permanent injury to their health, in consequence of federal service, are entitled to aid from the Confederation for themselves or their families, in case of need.

Each soldier shall receive without expense his first equipment, clothing, and arms. The weapon remains in the hands of the soldier, under conditions which shall be prescribed by federal legislation.

The Confederation shall enact uniform provisions as to an exemption tax.

ART. 19. The federal army is composed:

(*a*) Of the cantonal military corps.

(*b*) Of all Swiss who do not belong to such military corps, but are nevertheless liable to military service.

The Confederation exercises control over the army and the material of war provided by law.

In cases of danger, the Confederation has also the exclusive and direct control of men not included in the federal army, and of all other military resources of the Cantons.

The Cantons have authority over the military forces of their territory, so far as this right is not limited by the Federal Constitution or laws.

ART. 20. The laws, on the organization of the army, are passed by the Confederation. The enforcement of military laws in the Cantons is entrusted to the cantonal officials, within limits which shall be fixed by federal legislation, and under the supervision of the Confederation.

Military instruction of every kind pertains to the Confederation. The same applies to the arming of troops.

The furnishing and maintenance of clothing and equipment is within the power of the Cantons; but the Cantons shall be credited with the expenses therefor, according to a regulation to be established by federal legislation.

ART. 21. So far as military reasons do not prevent, bodies

of troops shall be formed out of the soldiers of the same Cantons.

The composition of these bodies of troops, the maintenance of their effective strength, the appointment and promotion of officers of these bodies of troops, belong to the Cantons, subject to general provisions which shall be established by the Confederation.

ART. 22. On payment of a reasonable indemnity, the Confederation has the right to use or acquire drill-grounds and buildings intended for military purposes, within the Cantons, together with the appurtenances thereof.

The terms of the indemnity shall be settled by federal legislation.

ART. 23. The Confederation may construct at its own expense, or may aid by subsidies, public works which concern Switzerland or a considerable part of the country.

For this purpose it may expropriate property, on payment of a reasonable indemnity. Further enactments upon this matter shall be made by federal legislation.

The Federal Assembly may forbid public works which endanger the military interests of the Confederation.

ART. 24. The Confederation has the right of superintendence over dike and forest police in the upper mountain regions.

It may coöperate in the straightening and embankment of torrents as well as in the afforesting of the districts in which they rise. It may prescribe the regulations necessary to assure the maintenance of these works, and the preservation of existing forests.

ART. 25. The Confederation has power to make legislative enactments for the regulation of the right of fishing and hunting, particularly with a view to the preservation of the large game in the mountains, as well as for the protection of birds useful to agriculture and forestry.

ART. 26. Legislation upon the construction and operation of railroads is in the province of the Confederation.

ART. 27. The Confederation has the right to establish,

besides the existing Polytechnic School, a Federal University and other institutions, of higher instruction or to subsidize institutions of such nature.

The Cantons provide for primary instruction, which shall be sufficient, and shall be placed exclusively under the direction of the secular authority. It is compulsory and, in the public schools, free.

The public schools shall be such that they may be frequented by the adherents of all religious sects, without any offence to their freedom of conscience or of belief.

The Confederation shall take the necessary measures against such Cantons as shall not fulfill these duties.

ART. 28. The customs are in the province of the Confederation. It may levy export and import duties.

ART. 29. The collection of the federal customs shall be regulated according to the following principles:

1. Duties on imports:

(*a*) Materials necessary for the manufactures and agriculture of the country shall be taxed as low as possible.

(*b*) It shall be the same with the necessities of life.

(*c*) Luxuries shall be subjected to the highest duties.

Unless there are imperative reasons to the contrary, these principles shall be observed also in the conclusion of treaties of commerce with foreign powers.

2. The duties on exports shall also be as low as possible.

3. The customs legislation shall include suitable provisions for the continuance of commercial and market intercourse across the frontier.

The above provisions do not prevent the Confederation from making temporary exceptional provisions, under extraordinary circumstances.

ART. 30. The proceeds of the customs belong to the Confederation.

The indemnity ceases which hitherto has been paid to the Cantons for the redemption of customs, for road and bridge tolls, customs duties and other like dues.

By exception, and on account of their international alpine roads, the Cantons of Uri, Grisons, Ticino, and Valais receive an annual indemnity, which, considering all the circumstances, is fixed as follows:

Uri, 80,000 francs.
Grisons, 200,000 francs.
Ticino, 200,000 francs.
Valais, 50,000 francs.

The Cantons of Uri and Ticino shall receive in addition, for clearing the snow from the Saint Gotthard road, an annual indemnity of 40,000 francs, so long as that road shall not be replaced by a railroad.

ART. 31. The freedom of trade and of industry is guaranteed throughout the whole extent of the Confederation.

The following subjects are excepted:

(*a*) The salt and gunpowder monopoly, the federal customs, import duties on wines and other spirituous liquors, and other taxes on consumption expressly permitted by the Confederation, according to Article 32.

(*b*) The manufacture and sale of alcohol, under Article 32 (ii). [Amendment of Dec. 22, 1885.]

(*c*) Drinking places, and the retail trade in spirituous liquors; but nevertheless the Cantons may by legislation subject the business of keeping drinking places, and the retail trade in spirituous liquors, to such restrictions as are required for the public welfare. [Amendment of Dec. 22, 1885.]

(*d*) Measures of sanitary police against epidemics and cattle diseases.

(*e*) Provisions in regard to the exercise of trades and manufactures, in regard to taxes imposed thereon, and in regard to the police of the roads.

These provisions shall not contain anything contrary to the principle of freedom of trade and manufacture.

ART. 32. The Cantons are authorized to collect the import duties on wines and other spirituous liquors, provided in Article 31 (*a*), always under the following restrictions:

(*a*) The collection of these import duties shall in no wise impede transportation: commerce shall be obstructed as little as possible and shall not be burdened with any other dues.

(*b*) If the articles imported for consumption are reëxported from the Canton, the duties paid on importation shall be refunded, without further charges.

(*c*) Products of Swiss origin shall be less burdened than those of foreign countries.

(*d*) The existing import duties on wines and other spirituous liquors of Swiss origin shall not be increased by the Cantons which already levy them. Such duties shall not be established upon such articles by Cantons which do not at present collect them.

(*e*) The laws and ordinances of the Cantons on the collection of import duties shall, before their going into effect, be submitted to the federal government for approval, in order that it may, if necessary, cause the enforcement of the preceding provisions.

All the import duties now levied by the Cantons, as well as the similar duties levied by the Communes, shall cease, without indemnity, at the end of the year 1890.

ART. 32 (ii). [Amendment of Dec. 22, 1885.]

The Confederation is authorized by legislation to make regulations for the manufacture and sale of alcohol. In this legislation those products which are intended for exportation, or which have been subjected to a process excluding them from use as a beverage, shall be subjected to no tax. Distillation of wine, fruit, and their by-products, of gentian root, juniper berries, and similar products, is not subject to federal legislation as to manufacture or tax.

After the cessation of the import duties on spirituous liquors, provided for in Article 32 of the Constitution, the trade in liquors not distilled shall not be subjected by the Cantons to any special taxes or to other limitations than those necessary for protection against adulterated or noxious beverages. Nevertheless, the powers of the Cantons, defined in

Article 31, are retained over the keeping of drinking places, and the sale at retail of quantities less than two liters.

The net proceeds resulting from taxation on the sale of alcohol belong to the Cantons in which the tax is levied.

The net proceeds to the Confederation from the internal manufacture of alcohol, and the corresponding addition to the duty on imported alcohol, are divided among all the Cantons, in proportion to the actual population as ascertained from time to time by the next preceding federal census. Out of the receipts therefrom the Cantons must expend not less than one tenth in combating drunkenness in its causes and effects.

ART. 33. The Cantons may require proofs of competency from those who desire to practice a liberal profession.

Provision shall be made by federal legislation by which such persons may obtain certificates of competency which shall be valid throughout the Confederation.

ART. 34. The Confederation has power to enact uniform provisions as to the labor of children in factories, and as to the duration of labor fixed for adults therein, and as to the protection of workmen against the operation of unhealthy and dangerous manufactures.

The transactions of emigration agents and of organizations for insurance, not instituted by the State, are subject to federal supervision and legislation.

ART. 34 *bis*. [Amendment of Oct. 26, 1890.] The Confederation will by law establish invalid and accident insurance, having regard for existing invalid funds. It may declare participation obligatory for all, or for special classes of the population.

ART. 35. The opening of gaming houses is forbidden. Those which now exist shall be closed Dec. 31, 1877.

The concessions which may have been granted or renewed since the beginning of the year 1871 are declared invalid.

The Confederation may also take necessary measures concerning lotteries.

ART. 36. The posts and telegraphs in all Switzerland are controlled by the Confederation.

The proceeds of the posts and telegraphs belong to the federal treasury.

The rates shall, for all parts of Switzerland, be fixed according to the same principle and as fairly as possible.

Inviolable secrecy of letters and telegrams is guaranteed.

ART. 37. The Confederation exercises general oversight over those roads and bridges in the maintenance of which it is interested.

The sums due to the Cantons mentioned in Article 30, on account of their international alpine roads, shall be retained by the federal government if such roads are not kept by them in suitable condition.

ART. 38. The Confederation exercises all the exclusive rights pertaining to coinage.

It has the sole right of coining money.

It establishes the monetary system, and may enact provisions, if necessary, for the rate of exchange of foreign coins.

ART. 39. The Confederation has the power to make by law general provisions for the issue and redemption of bank notes.

But it shall not create any monopoly for the issue of bank notes, nor make such notes a legal tender.

ART. 40. The Confederation fixes the standard of weights and measures.

The Cantons, under the supervision of the Confederation, enforce the laws relating thereto.

ART. 41. The manufacture and the sale of gunpowder throughout Switzerland pertains exclusively to the Confederation.

Powders used for blasting and not suitable for shooting are not included in the monopoly.

ART. 42. The expenditures of the Confederation are met as follows:

(*a*) Out of the income from federal property.

(*b*) Out of the proceeds of the federal customs levied at the Swiss frontier.

(*c*) Out of the proceeds of the posts and telegraphs.

(*d*) Out of the proceeds of the powder monopoly.

(*e*) Out of half of the gross receipts from the tax on military exemptions levied by the Cantons.

(*f*) Out of the Contributions of the Cantons, which shall be determined by federal legislation, with special reference to their wealth and taxable resources.

ART. 43. Every citizen of a Canton is a Swiss citizen.

As such he may participate, in the place where he is domiciled, in all federal elections and popular votes, after having duly proven his qualification as a voter.

No person can exercise political rights in more than one Canton.

The Swiss settled as a citizen outside his native Canton enjoys, in the place where he is domiciled, all the rights of the citizens of the Canton, including all the rights of the communal citizen. Participation in municipal and corporate property, and the right to vote upon purely municipal affairs, are excepted from such rights, unless the Canton by legislation has otherwise provided.

In cantonal and communal affairs, he gains the right to vote after a residence of three months.

Cantonal laws relating to the right of Swiss citizens to settle outside the Cantons in which they were born, and to vote on communal questions, are submitted for the approval of the Federal Council.

ART. 44. No Canton shall expel from its territory one of its own citizens, nor deprive him of his rights, whether acquired by birth or settlement. [*Origine ou cité.*]

Federal legislation shall fix the conditions upon which foreigners may be naturalized, as well as those upon which a Swiss may give up his citizenship in order to obtain naturalization in a foreign country.

ART. 45. Every Swiss citizen has the right to settle any-

where in Swiss territory, on condition of submitting a certificate of origin, or a similar document.

By exception, settlement may be *refused* to or *withdrawn* from, those who, in consequence of a penal conviction, are not entitled to civil rights.

In addition, settlement may be *withdrawn* from those who have been repeatedly punished for serious offenses, and also from those who permanently come upon the charge of public charity, and to whom their Commune or Canton of origin, as the case may be, refuses sufficient succor, after they have been officially asked to grant it.

In the Cantons where the poor are relieved in their place of residence the permission to settle, if it relates to citizens of the Canton, may be coupled with the condition that they shall be able to work, and that they shall not, in their former domicile in the Canton of origin, have permanently become a charge on public charity.

Every expulsion on account of poverty must be approved by the government of the Canton of domicile, and previously announced to the government of the Canton of origin.

A Canton in which a Swiss establishes his domicile may not require security, nor impose any special obligations for such establishment. In like manner, the Communes cannot require from Swiss domiciled in their territory other contributions than those which they require from their own subjects.

A federal law shall establish the maximum fee to be paid the Chancery for a permit to settle.

ART. 46. Persons settled in Switzerland are, as a rule, subjected to the jurisdiction and legislation of their domicile, in all that pertains to their personal status and property rights.

The Confederation shall by law make the provisions necessary for the application of this principle and for the prevention of double taxation of a citizen.

ART. 47. A federal law shall establish the distinction between settlement and temporary residence, and shall at the same time make the regulations to which Swiss temporary resi-

dents shall be subjected as to their political rights and their civil rights.

ART. 48. A federal law shall provide for the regulation of the expenses of the illness and burial of indigent persons amenable to one Canton, who have fallen ill or died in another Canton.

ART. 49. Freedom of conscience and belief is inviolable.

No person can be constrained to take part in a religious society, to attend religious instruction, to perform a religious rite, or to incur penalties of any kind whatever on account of religious opinion.

The person who exercises the parent's or guardian's authority has the right, conformably to the principles above stated, to regulate the religious education of children up to the age of sixteen completed years.

The exercise of civil or political rights shall not be abridged by any provisions or conditions whatever of an ecclesiastical or religious kind.

No person shall, on account of a religious belief, release himself from the accomplishment of a civil duty.

No person is bound to pay taxes of which the proceeds are specially appropriated to the actual expenses of the worship of a religious body to which he does not belong. The details of the carrying out of this principle are reserved for federal legislation.

ART. 50. The free exercise of religious worship is guaranteed within the limits compatible with public order and good morals.

The Cantons and the Confederation may take suitable measures for the preservation of public order and of peace between the members of different religious bodies, and also against encroachments of ecclesiastical authorities upon the rights of citizens and of the State.

Contests in public and private law, which arise out of the formation or the division of religious bodies, may be brought by appeal before the competent federal authorities.

No bishopric shall be created upon Swiss territory without the consent of the Confederation.

ART. 51. The order of the Jesuits, and the societies affiliated with them, shall not be received into any part of Switzerland; and all action in church and school is forbidden to its members.

This prohibition may be extended also, by federal ordinance, to other religious orders, the action of which is dangerous to the state or disturbs the peace between sects.

ART. 52. The foundation of new convents or religious orders, and the re-establishment of those which have been suppressed, are forbidden.

ART. 53. The civil status and the keeping of records thereof is subject to the civil authority. The Confederation shall by law enact detailed provisions upon this subject.

The control of places of burial is subject to the civil authority. It shall take care that every deceased person may be decently interred.

ART. 54. The right of marriage is placed under the protection of the Confederation.

No limitation upon marriage shall be based upon sectarian grounds, nor upon the poverty of either of the contractants, nor on their conduct, nor on any other consideration of good order.

A marriage contracted in a Canton or in a foreign country, conformably to the law which is there in force, shall be recognized as valid throughout the Confederation.

By marriage the wife acquires the citizenship of her husband.

Children born before the marriage are made legitimate by the subsequent marriage of their parents.

No tax upon admission or similar tax shall be levied upon either party to a marriage.

ART. 55. The freedom of the press is guaranteed.

Nevertheless the Cantons by law enact the measures necessary for the suppression of abuses. Such laws are submitted for the approval of the Federal Council.

The Confederation may enact penalties for the suppression of press offenses directed against it or its authorities.

ART. 56. Citizens have the right of forming associations, provided that there be in the purpose of such associations, or in the means which they employ, nothing unlawful or dangerous to the state. The Cantons by law take the measures necessary for the suppression of abuses.

ART. 57. The right of petition is guaranteed.

ART. 58. No person shall be deprived of his constitutional judge. Therefore no extraordinary tribunal shall be established.

Ecclesiastical jurisdiction is abolished.

ART. 59. Suits for personal claims against a solvent debtor having a domicile in Switzerland, must be brought before the judge of his domicile; in consequence, his property outside the Canton in which he is domiciled may not be attached in suits for personal claims.

Nevertheless, with reference to foreigners, the provisions of international treaties shall not thereby be affected.

Imprisonment for debt is abolished.

ART. 60. All the Cantons are bound to treat the citizens of the other confederated States like those of their own State in legislation and in all judicial proceedings.

ART. 61. Civil judgments definitely pronounced in any Canton may be executed anywhere in Switzerland.

ART. 62. The exit duty on property [*traite foraine*] is abolished in the interior of Switzerland, as well as the right of redemption [*droit de retrait*] by citizens of one Canton against those of other confederated States.

ART. 63. The exit duty on property is abolished as respects foreign countries, provided reciprocity be observed.

ART. 64. The Confederation has power to make laws:

On legal competency.

On all legal questions relating to commerce and to transactions affecting chattels (law of commercial obligations, including commercial law and law of exchange).

On literary and artistic copyright.

On the protection of new patterns and forms, and of inventions which are represented in models and are capable of industrial application. [Amendment of Dec. 20, 1887.]

On the legal collection of debts and on bankruptcy.

The administration of justice remains with the Cantons, save as affected by the powers of the Federal Court.

ART. 65. No death penalty shall be pronounced for a political crime. [Amendment of May 18th, 1879.]

Corporal punishment is abolished.

ART. 66. The Confederation by law fixes the limits within which a Swiss citizen may be deprived of his political rights.

ART. 67. The Confederation by law provides for the extradition of accused persons from one Canton to another; nevertheless, extradition shall not be made obligatory for political offenses and offenses of the press.

ART. 68. Measures are taken by federal law for the incorporation of persons without country (Heimathlosen), and for the prevention of new cases of that nature.

ART. 69. Legislation concerning measures of sanitary police against epidemic and cattle diseases, causing a common danger, is included in the powers of the Confederation.

ART. 70. The Confederation has power to expel from its territory foreigners who endanger the internal or external safety of Switzerland.

CHAPTER II. FEDERAL AUTHORITIES.

I. FEDERAL ASSEMBLY.

[*Assemblée fédérale; Bundesversammlung.*]

ART. 71. With the reservation of the rights of the people and of the Cantons (Articles 89 and 121), the supreme author-

ity of the Confederation is exercised by the Federal Assembly which consists of two sections or councils, to wit:

(A) The National Council.

(B) The Council of States.

A. NATIONAL COUNCIL.

[*Conseil National; Nationalrath.*]

ART. 72. The National Council is composed of representatives of the Swiss people, chosen in the ratio of one member for each 20,000 persons of the total population. Fractions of upwards of 10,000 persons are reckoned as 20,000.

Every Canton, and in the divided Cantons every Half-Canton, chooses at least one representative.

ART. 73. The elections for the National Council are direct. They are held in federal electoral districts, which in no case shall be formed out of parts of different Cantons.

ART. 74. Every Swiss who has completed twenty years of age, and who in addition is not excluded from the rights of a voter by the legislation of the Canton in which he is domiciled, has the right to vote in elections and popular votes.

Nevertheless, the Confederation by law may establish uniform regulations for the exercise of such right.

ART. 75. Every lay Swiss citizen who has the right to vote is eligible for membership in the National Council.

ART. 76. The National Council is chosen for three years, and entirely renewed at each general election.

ART. 77. Representatives to the Council of States, members of the Federal Council, and officials appointed by that Council, shall not at the same time be members of the National Council.

ART. 78. The National Council chooses out of its own number, for each regular or extraordinary session, a President and a Vice-President.

A member who has held the office of President during a

regular session is ineligible either as President or as Vice-President at the next regular session.

The same member may not be Vice-President during two consecutive regular sessions.

When the votes are equally divided the President has a casting vote; in elections he votes in the same manner as other members.

ART. 79. The members of the National Council receive a compensation out of the federal treasury.

B. COUNCIL OF STATES.

[*Conseil des Etats; Ständerath.*]

ART. 80. The Council of States consists of forty-four representatives of the Cantons. Each Canton appoints two representatives; in the divided Cantons, each Half-Canton chooses one.

ART. 81. The members of the National Council and those of the Federal Council may not be representatives in the Council of States.

ART. 82. The Council of States chooses out of its own number for each regular or extraordinary session a President and a Vice-President.

Neither the President nor the Vice-President can be chosen from among the representatives of the Canton from which the President has been chosen for the regular session next preceding.

Representatives of the same Canton cannot occupy the position of Vice-President during two consecutive regular sessions.

When the votes are equally divided the President has a casting vote; in elections he votes in the same manner as the other members.

ART. 83. Representatives in the Council of States receive a compensation from the Cantons.

C. POWERS OF THE FEDERAL ASSEMBLY.

ART. 84. The National Council and the Council of States consider all the subjects which the present Constitution places within the competence of the Confederation, and which are not assigned to any other federal authority.

ART. 85. The subjects within the competence of the two Councils are particularly the following:

1. Laws on the organization of and election of federal authorities.

2. Laws and ordinances on subjects which by the Constitution are placed within the federal competence.

3. The salary and compensation of members of the federal governing bodies and of the Federal Chancery; the creation of federal offices and the determination of salaries therefor.

4. The election of the Federal Council, of the Federal Court, and of the Chancellor, and also of the Commander-in-Chief of the federal army.

The Confederation may by law assign to the Federal Assembly other powers of election or of confirmation.

5. Alliances and treaties with foreign powers, and also the approval of treaties made by the Cantons between themselves or with foreign powers; nevertheless the treaties made by the Cantons shall be brought before the Federal Assembly only in case the Federal Council or another Canton protests.

6. Measures for external safety and also for the maintenance of the independence and neutrality of Switzerland; the declaration of war and the conclusion of peace.

7. The guaranty of the Constitution and of the territory of the Cantons; intervention in consequence of such guaranty; measures for the internal safety of Switzerland, for the maintenance of peace and order; amnesty and pardon.

8. Measures for the preservation of the Constitution, for carrying out the guaranty of the cantonal constitutions, and for fulfilling federal obligations.

9. The power of controlling the federal army.

10. The determination of the annual budget, the audit of public accounts, and federal ordinances authorizing loans.

11. The superintendence of federal administration and of federal courts.

12. Protests against the decisions of the Federal Council upon administrative conflicts. (ART. 113.)

13. Conflicts of jurisdiction between federal authorities.

14. The amendment of the federal Constitution.

ART. 86. The two Councils assemble annually in regular session upon a day to be fixed by the standing orders.

They are convened in extra session by the Federal Council upon the request either of one fourth of the members of the National Council, or of five Cantons.

ART. 87. In either Council a quorum is a majority of the total number of its members.

ART. 88. In the National Council and in the Council of States a majority of those voting is required.

ART. 89. Federal laws, enactments, and resolutions shall be passed only by the agreement of the two Councils.

Federal laws shall be submitted for acceptance or rejection by the people, if the demand is made by 30,000 voters or by eight Cantons. The same principle applies to federal resolutions which have a general application, and which are not of an urgent nature.

ART. 90. The Confederation shall by law establish the forms and intervals to be observed in popular votes.

ART. 91. Members of either Council vote without instructions.

ART. 92. Each Council takes action separately. But in the case of the elections specified in Article 85, § 4, of pardons, or of deciding a conflict of jurisdiction (Art. 85, § 13), the two Councils meet in joint session, under the direction of the President of the National Council, and a decision is made by the majority of the members of both Councils present and voting.

ART. 93. Measures may originate in either Council, and may be introduced by any of their members.

The Cantons may by correspondence exercise the same right.

ART. 94. As a rule, the sittings of the Councils are public.

II. FEDERAL COUNCIL.

[*Conseil fédéral; Bundesrath.*]

ART. 95. The supreme direction and executive authority of the Confederation is exercised by a Federal Council, composed of seven members.

ART. 96. The members of the Federal Council are chosen for three years by the Councils in joint session from among all the Swiss citizens eligible to the National Council. But not more than one member of the Federal Council shall be chosen from the same Canton.

The Federal Council is chosen anew after each election of the National Council.

Vacancies which occur in the course of the three years are filled at the first ensuing session of the Federal Assembly, for the remainder of the term of office.

ART. 97. The members of the Federal Council shall not, during their term of office, occupy any other office, either in the service of the Confederation or in a Canton, or follow any other pursuit, or exercise a profession.

ART. 98. The Federal Council is presided over by the President of the Confederation. There is a Vice-President.

The President of the Confederation and the Vice-President of the Federal Council are chosen for one year by the Federal Assembly from among the members of the Council.

The retiring President shall not be chosen as President or Vice-President for the year ensuing.

The same member shall not hold the office of Vice-President during two consecutive years.

ART. 99. The President of the Confederation and the other members of the Federal Council receive an annual salary from the federal treasury.

ART. 100. A quorum of the Federal Council consists of four members.

ART. 101. The members of the Federal Council have the right to speak but not to vote in either house of the Federal Assembly, and also the right to make motions on the subject under consideration.

ART. 102. The powers and the duties of the Federal Council, within the limits of this Constitution, are particularly the following:

1. It conducts federal affairs, conformably to the laws and resolutions of the Confederation.

2. It takes care that the Constitution, federal laws and ordinances, and also the provisions of federal concordats, be observed; upon its own initiative or upon complaint, it takes measures necessary to cause these instruments to be observed, unless the consideration of redress be among the subjects which should be brought before the Federal Court, according to Article 113.

3. It takes care that the guaranty of the cantonal constitutions be observed.

4. It introduces bills or resolutions into the Federal Assembly, and gives its opinion upon the proposals submitted to it by the Councils or the Cantons.

5. It executes the laws and resolutions of the Confederation and the judgments of the Federal Court, and also the compromises or decisions in arbitration upon disputes between Cantons.

6. It makes those appointments which are not assigned to the Federal Assembly, Federal Court, or other authority.

7. It examines the treaties made by Cantons with each other, or with foreign powers, and approves them, if proper. (Art. 85, § 5.)

8. It watches over the external interests of the Confed-

eration, particularly the maintenance of its international relations, and is, in general, intrusted with foreign relations.

9. It watches over the external safety of Switzerland, over the maintenance of independence and neutrality.

10. It watches over the internal safety of the Confederation, over the maintenance of peace and order.

11. In cases of urgency, and when the Federal Assembly is not in session, the Federal Council has power to raise the necessary troops and to employ them, with the reservation that it shall immediately summon the Councils if the number of troops exceed two thousand men, or if they remain in arms more than three weeks.

12. It administers the military establishment of the Confederation, and all other branches of administration committed to the Confederation.

13. It examines such laws and ordinances of the Cantons as must be submitted for its approval; it exercises supervision over such departments of the cantonal administration as are placed under its control.

14. It administers the finances of the Confederation, introduces the budget, and submits accounts of receipts and expenses.

15. It supervises the conduct of all the officials and employees of the federal administration.

16. It submits to the Federal Assembly at each regular session an account of its administration and a report of the condition of the Confederation, internal as well as external, and calls attention to the measures which it deems desirable for the promotion of the general welfare.

It also makes special reports when the Federal Assembly or either Council requires it.

ART. 103. The business of the Federal Council is distributed by departments among its members. This distribution has the purpose only of facilitating the examination and despatch of business; decisions emanate from the Federal Council as a single authority.

ART. 104. The Federal Council and its departments have power to call in experts on special subjects.

III. FEDERAL CHANCERY.

[*Chancellerie fédérale; Bundeskanzlei.*]

ART. 105. A Federal Chancery, at the head of which is placed the Chancellor of the Confederation, conducts the secretary's business for the Federal Assembly and the Federal Council.

The Chancellor is chosen by the Federal Assembly for the term of three years, at the same time as the Federal Council.

The Chancery is under the special supervision of the Federal Council.

A federal law shall provide for the organization of the Chancery.

IV. FEDERAL COURT.

[*Tribunal fédéral; Bundesgericht.*]

ART. 106. There shall be a Federal Court for the administration of justice in federal concerns.

There shall be, moreover, a jury for criminal cases. (Art. 112.)

ART. 107. The members and alternates of the Federal Court shall be chosen by the Federal Assembly, which shall take care that all three national languages are represented therein.

A law shall establish the organization of the Federal Court and of its sections, the number of judges and alternates, their term of office, and their salary.

ART. 108. Any Swiss citizen eligible to National Council may be chosen to the Federal Court.

The members of the Federal Assembly and of the Federal

Council, and officials appointed by those authorities, shall not at the same time belong to the Federal Court.

The members of the Federal Court shall not, during their term of office, occupy any other office, either in the service of the Confederation or in a Canton, nor engage in any other pursuit, nor practice a profession.

ART. 109. The Federal Court organizes its own Chancery and appoints the officials thereof.

ART. 110. The Federal Court has jurisdiction in civil suits:

1. Between the Confederation and the Cantons.

2. Between the Confederation on one part and corporations or individuals on the other part, when such corporations or individuals are plaintiffs, and when the amount involved is of a degree of importance to be determined by federal legislation.

3. Between Cantons.

4. Between Cantons on one part and corporations or individuals on the other part, when one of the parties demands it, and the amount involved is of a degree of importance to be determined by federal legislation.

It further has jurisdiction in suits concerning the status of persons not subjects of any government (heimathlosat), and the conflicts which arise between Communes of different Cantons respecting the right of local citzenship. [*Droit de cité.*]

ART. 111. The Federal Court is bound to give judgment in other cases when both parties agree to abide by its decision, and when the amount involved is of a degree of importance to be determined by federal legislation.

ART. 112. The Federal Court, assisted by a jury to decide upon questions of fact, has criminal jurisdiction in:

1. Cases of high treason against the Confederation, of rebellion or violence against federal authorities.

2. Crimes and misdemeanors against the law of nations.

3. Political crimes and misdemeanors which are the cause or the result of disturbances which occasion armed federal intervention.

4. Cases against officials appointed by a federal authority, where such authority relegates them to the Federal Court.

ART. 113. The Federal Court further has jurisdiction:

1. Over conflicts of jurisdiction between federal authorities on one part and cantonal authorities on the other part.

2. Disputes between Cantons, when such disputes are upon questions of public law.

3. Complaints of violation of the constitutional rights of citizens, and complaints of individuals for the violation of concordats or treaties.

Conflicts of administrative jurisdiction are reserved, and are to be settled in a manner prescribed by federal legislation.

In all the fore-mentioned cases the Federal Court shall apply the laws passed by the Federal Assembly and those resolutions of the Assembly which have a general import. It shall in like manner conform to treaties which shall have been ratified by the Federal Assembly.

ART. 114. Besides the cases specified in Articles 110, 112, and 113, the Confederation may by law place other matters within the jurisdiction of the Federal Court; in particular, it may give to that court powers intended to insure the uniform application of the laws provided for in Article 64.

V. MISCELLANEOUS PROVISIONS.

ART. 115. All that relates to the location of the authorities of the Confederation is a subject for federal legislation.

ART. 116. The three principal languages spoken in Switzerland, German, French, and Italian, are national languages of the Confederation.

ART. 117. The officials of the Confederation are responsible for their conduct in office. A federal law shall enforce this responsibility.

CHAPTER III. AMENDMENT OF THE FEDERAL CONSTITUTION.

ART. 118. The Federal Constitution may at any time be wholly or partially amended.

ART. 119. Complete Amendment is secured through the forms required for passing federal laws.

ART. 120. When either Council of the Federal Assembly passes a resolution for the complete amendment of the Federal Constitution and the other Council does not agree; or when fifty thousand Swiss voters demand the complete amendment, the question whether the Federal Constitution ought to be amended is, in either case, submitted to a vote of the Swiss people, voting yes or no.

If in either case the majority of the Swiss citizens who vote pronounce in the affirmative, there shall be a new election of both Councils for the purpose of preparing the complete amendment.

ART. 121. [Amendment of July 7th, 1891.]

Partial amendment may take place through the forms of Popular Initiative, or of those required for passing federal laws.

The Popular Initiative may be used when fifty thousand Swiss voters present a petition for the enactment, the abolition or the alteration of certain articles of the Federal Constitution.

When several different subjects are proposed for amendment or for enactment in the Federal Constitution by means of the Popular Initiative, each must form the subject of a special petition.

Petitions may be presented in the form of general suggestions or of finished bills. When a petition is presented in the form of a general suggestion, and the Federal Assembly agrees thereto, it is the duty of that body to elaborate a partial amendment in the sense of the Initiators, and to refer it to the people and the Cantons for acceptance or rejection. If the Federal Assembly does not agree to the petition, then the question of whether there shall be a partial amendment at all must be submitted to the vote of the people, and if the major-

ity of Swiss voters express themselves in the affirmative, the amendment must be taken in hand by the Federal Assembly in the sense of the people.

When a petition is presented in the form of a finished bill, and the Federal Assembly agrees thereto, the bill must be referred to the people and the Cantons for acceptance or rejection. In case the Federal Assembly does not agree, that body can elaborate a bill of its own, or move to reject the petition, and submit its own bill or motion of rejection to the vote of the people and the Cantons along with the petition.

ART. 122. A Federal law shall determine more precisely the manner of procedure in popular petitions and in voting for amendments to the Constitution.

ART. 123. The amended Federal Constitution, or the amended part thereof, shall be in force when it has been adopted by the majority of Swiss citizens who take part in the vote thereon and by a majority of the States.

In making up a majority of the States the vote of a Half-Canton is counted as half a vote.

The result of the popular vote in each Canton is considered to be the vote of the State.

TEMPORARY PROVISIONS.

ARTICLE 1. The proceeds of the posts and customs shall be divided upon the present basis, until such time as the Confederation shall take upon itself the military expenses up to this time borne by the Cantons.

Federal legislation shall provide, besides, that the loss which may be occasioned to the finances of certain Cantons by the sum of the charges which result from Articles 20, 30, 36 (§ 2) and 42 (*e*), shall fall upon such Cantons only gradually, and shall not attain its full effect till after a transition period of some years.

Those Cantons which, at the going into effect of Article 20 of the Constitution, have not fulfilled the military obliga-

tions which are imposed upon them by the former Constitution, or by federal laws, shall be bound to carry them out at their own expense.

ART. 2. The provisions of the federal laws and of the cantonal concordats, constitutions or cantonal laws, which are contrary to this Constitution, cease to have effect by the adoption of the Constitution or the publication of the laws for which it provides.

ART. 3. The new provisions relating to the organization and jurisdiction of the Federal Court take effect only after the publication of federal laws thereon.

ART. 4. A delay of five years is allowed to Cantons for the establishment of free instruction in primary public education. (Art. 27.)

ART. 5. Those persons who practice a liberal profession, and who, before the publication of the federal law provided for in Article 33, have obtained a certificate of competence from a Canton or a joint authority representing several Cantons, may pursue that profession throughout the Confederation.

ART. 6. [Amendment of Dec. 22, 1885.]

If a federal law for carrying out Article 32 (ii) be passed before the end of 1890, the import duties levied on spirituous liquors by the Cantons and Communes, according to Article 32, cease on the going into effect of such law.

If, in such case, the shares of any Canton or Commune, out of the sums to be divided, are not sufficient to equal the average annual net proceeds of the taxes they have levied on spirituous liquors in the years 1880 to 1884 inclusive, the Cantons and Communes affected shall, till the end of 1890, receive the amount of the deficiency out of the amount which is to be divided among the other Cantons according to population; and the remainder only shall be divided among such other Cantons and Communes, according to population.

The Confederation shall further provide by law that for such Cantons or Communes as may suffer financial loss through the effect of this amendment, such loss shall not

come upon them immediately in its full extent, but gradually up to the year 1895. The indemnities thereby made necessary shall be previously taken out of the net proceeds designated in Article 32 (ii), paragraph 4.

Thus resolved by the National Council to be submitted to the popular vote of the Swiss people and of the Cantons.

Bern, January 31, 1874.

ZIEGLER, President.
SCHIESS, Secretary.

Thus resolved by the Council of States, to be submitted to the popular vote of the Swiss people and of the Cantons.

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